

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

DATE OF DECISION: AUGUST 05, 2015

Gagandeep Gora

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Aman Pal, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the petitioner contends that minor child of the petitioner, aged three years, was operated upon by respondent No.6, who is a Government servant in a private hospital i.e. respondent No.5, which led to permanent disability to him. Assertion is that respondent No.6 is only an Orthopedic Surgeon and, therefore, could not have performed a surgery relatable to Neuro. He, therefore, contends that departmental action needs to be taken against respondent No.6, especially when he is availing of the benefit of non-practicing allowance, which fact is apparent from the salary statement dated 16.05.2012 (Annexure P-1).

Counsel for the petitioner, however, prays for liberty to withdraw the present writ petition to file a complaint to the Senior Superintendent of Police, Mohali, in the light of the judgement passed by

the Supreme Court in Jacob Mathew Vs. State of Punjab, 2005 (3) R.C.R. (Criminal) 836, para 55 whereof elaborately gives the procedure which is required to be followed where there is a complaint with regard to medical negligence on the part of a doctor. He further prays for a liberty to approach the competent authority for taking action against respondent No.6 departmentally and for availing the benefit of compensation.

In the light of Jacob Mathew's case (supra), on which the counsel for the petitioner has placed reliance, liberty is granted to the petitioner to withdraw the writ petition to avail of the remedy in accordance with law.

**August 05, 2015
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**