

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23835 of 2018
Date of Decision:18.09.2018

Pardeep Kumar Sahdev

..... Petitioner

Vs.

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Jagjit Singh, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of mandamus to direct respondent No.2 to constitute a committee for conducting an enquiry in regard to the medical negligence of respondent No.3, which has resulted into the loss of life of his son on 26.4.2017.

In brief, the son of the petitioner, namely, Sahil Sahdev was operated upon for kidney transplant in the hospital of respondent No.3. His son was discharged after the operation on 15.2.2017. On 18.4.2017, his son suffered a problem of vomiting and was again admitted in the hospital of respondent No.3. It is alleged that his son was shifted to room No.525 which was not medically fumigated. The air conditioner of the room was repaired on 19.4.2017 after which his son started having a breathing problem and on 24.4.2017 his health started deteriorating and he died on 26.4.2017. The petitioner made a complaint to the Commissioner of Police, Amritsar to take legal action against respondent No.3 and its staff on which he sent his complaint for an enquiry to the Civil Surgeon, Amritsar to constitute a board. In the enquiry report dated 13.2.2018, conducted by the board, no

negligence of respondent No.3 was found. The petitioner is not satisfied with the report and has prayed that the enquiry should again be held by a board constituted by respondent No.2.

I have heard learned counsel for the petitioner and perused the record. The board was constituted by the Chief Medical Officer, Amritsar comprising of Dr. N.P. Singh (Surgical Specialist), Civil Hospital, Amritsar, Dr. Maninder Singh (Medicine Specialist), Civil Hospital, Amritsar and Dr. Ramesh Kumar (A.C.S.), Office of Civil Surgeon, Amritsar as members. The board has thoroughly examined the issues involved and the cause of death of the son of the petitioner was found because of Invasive Pulmonary Mucor Mycosis Severe Sepsis with septic shock. It was also found by the board that in the hospital of respondent No.3 there was no window A.C. or split A.C. installed in any patient's room rather the hospital is having centralized AC maneuvered only through switches, therefore, there was no occasion for opening and cleaning the A.C. in the room where the son of the petitioner was admitted, causing any kind of infection. It was also observed that the petitioner was called by the Board vide its letter dated 26.12.2017 for contesting the reply of respondent No.3 filed before it for giving any other reason of the negligence of respondent No.3 but he did not turn up to attend the meeting of the board.

Thus in view of the aforesaid facts and circumstances, there is no reason with this Court to further constitute a committee as prayed for by the petitioner and hence, the present petition is hereby dismissed.

18.09.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No