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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10502/2018**

DR. R. BALASHANKAR

..... Petitioner

Through: Mr Apoorv Kurup and Mr A. C.
Boxipatra, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Anupam Srivastava, ASC for
GNCTD with Ms Niharika, Advocate
for R-2.

Mr T. Singhdev and Ms Puja Sarkar,
Advocates for R-3/MCI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.10.2018**

C.M. No.40995/2018

1. For the reasons stated therein, the application is allowed.
2. The application is disposed of.

C.M. No. 40996/2018

3. Allowed, subject to all just exceptions.

W.P.(C) 10502/2018 & C.M. No. 40997/2018

4. The petitioner has filed the present petition, impugning a final report dated 05.04.2018 forwarded to the petitioner by a letter dated 25.06.2018 as well as the preliminary inquiry report dated 04.04.2018. The said report pertains to an inquiries conducted by a three member committee (hereafter 'the Committee') at Lal Bahadur Shastri Hospital, Delhi, which was

constituted by respondent no.2, Government of NCT of Delhi, to investigate the petitioner's complaint regarding medical treatment provided to the petitioner's deceased wife Dr. Mangalam Swaminathan. The said inquiry reports indicate that the Committee did not find either the hospital or the concerned doctor to be negligent in providing the medical treatment or in performing surgery on the petitioner's deceased wife.

5. The petitioner claims that the procedure adopted by the Committee was not in accordance with the principles of natural justice. He states that although, the petitioner was called to explain his complaint, he was not provided time to obtain the necessary documents. Subsequently, the Committee also did not entertain the petitioner's request for an adjournment.

6. It is also alleged that the Committee had approached the matter with the predetermined mind.

7. This Court is not inclined to examine this controversy in these proceedings. The Committee was an internal committee and its reports do not have a statutory flavour. Clearly, the said reports are not binding on the petitioner and does not preclude the petitioner from taking recourse to any remedy as may be available in law.

8. The petition is disposed of with the aforesaid observations. The pending application is also disposed of.

VIBHU BAKHRU, J

OCTOBER 03, 2018
MK