

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

**CWP No.25617 of 2019
Date of Decision:12.09.2019**

Ms. Rachna Bhalla @ Rachna Rani Bhalla

.....Petitioner

Versus

UT Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Charanji Lal, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

The instant writ petition is at the hands of Ms. Rachna Bhalla seeking a mandamus for directing the respondent authorities under the Post Graduate Institute of Medical Education and Research, Chandigarh to conduct a detailed enquiry in the manner of treatment afforded to her sister Ms. Rajni Vij and who is stated to have died on 03.06.2018 in PGI itself.

Counsel has argued that it is a case of medical negligence as the deceased Ms. Rajni Vij, had been shifted outside the emergency ward to accommodate another patient on the doctors recommendations. It is contended that under such circumstances requisite medical treatment could not be afforded to sister of the petitioner and as a result of which she expired.

Counsel for the petitioner has been heard at length and the case paper-book has been perused.

In the considered view of this Court there is no merit in the prayer raised in the instant petition.

Apparently, the complaint moved by the petitioner has been

considered by the Chairman, Public Grievances Redressal Committee, PGIMER Chandigarh. A communication by the Chairman of the Public Grievances Redressal Committee dated 12.12.2018 has already been served upon the petitioner. A copy of the same has been appended alongwith the instant petition at Annexure P-9.

A perusal of the document at Annexure P-9 would reveal that Ms. Rajni Vij (since deceased) was a known case of **metastatic dudodenal adenocarcinoma (retroviral positive)**. She had been admitted in the private ward and had already undergone **Palliative Gastrojejunostomy** on 03.08.2017.

Ms. Rajni Vij, had been admitted to emergency services OPD having shown symptoms of dehydration and low Blood Pressure and decreased appetite. Since she was found to be hemodynamically stable she was moved outside as area within the emergency services OPD (ESOPD) is kept for resuscitation of patients requiring immediate care and monitoring.

The Chairman of the Public Grievances Redressal Committee PGIMER, Chandigarh has refuted in categoric terms that any patient is shifted outside the ESOPD on recommendations. The same has been termed as a false accusation and it has been stated that patients are treated on merits and as per their illness and symptoms and not on the strength of any recommendations in such regard.

In the report dated 12.12.2018 (Annexure P-9) it has been stated that despite Ms. Rajni Vij having been shifted outside ESOPD she was monitored on a regular basis and upon her blood pressure having fallen, a central line was inserted to resuscitate and monitor her vitals. As there

were no beds available in the emergency ward, she continued to be treated in the ESOPD itself.

Counsel does not dispute the factual premise that the patient had been suffering from metastatic duodenal carcinoma for more than a year and had presented herself in the PGI as a terminally ill patient. In the report dated 12.12.2018 (Annexure P-9) the ground reality in PGI has also been depicted stating that ESOPD is over-crowded at all times. The infrastructure in terms of equipment space and manpower is under great stress. Despite the best efforts made by doctors and keeping in view the limited resources casualties do occur.

There would be no occasion for this Court to dis-believe the contents of the memo dated 12.12.2018 (Annexure P-9) issued by the Chairman, Public Grievances Redressal Committee PGIMER, Chandigarh while dealing with the complaint of the petitioner.

No material in terms of documents or for that matter any cogent evidence has come forth which can be taken to be clearly pointing towards medical negligence and which in turn led to the death of Ms. Rajni Vij.

No intervention in the matter is called for.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

September 12, 2019

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No