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

CWP No. 25309 of 2021
Date of Decision: 14.12.2021

Ritu Baniwal

-Petitioner

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aayush Gupta, Advocate,
for the petitioner.

(Through Video Conferencing)

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition under Articles 226/227 of the Constitution of India for issuance of an appropriate writ in the nature of mandamus directing respondent No.2 to take action against respondent No.5 after conducting fair and impartial enquiry.

Learned counsel for the petitioner submits that father of the petitioner was admitted in respondent No.5- Hospital on account of heavy sweating on 15.06.2021. Father of the petitioner was not given proper care and his condition started deteriorating on 16.06.2021. Thereafter, father of the petitioner was referred to PGI.

Learned counsel with reference to Annexure P-2 and P-3 seeks to highlight that as per OPD medical report of the patient, date of treatment is shown to be 11.04.2021 i.e. the date on which father of the petitioner was never hospitalized. By mentioning the name of father of the petitioner at the top of the aforesaid medical record dated 11.04.2021, an effort has been made by respondent No.5 to show that Desh Raj was not admitted on 16.06.2021. Father of the petitioner ultimately died on 17.06.2021 in PGI.

Learned counsel further submits that the medical procedure/tests and prescription are not relatable to the father of the petitioner and father of the petitioner was treated with reference to diagnosis and ailment of different patient.

Precisely for the grievance in question, the petitioner has already filed a representation before respondent No.2 on 13.07.2021 and the same has not been decided so far.

Notice of motion.

On the asking of the Court, Mr. Ashish Yadav, Addl. A.G., Haryana accepts notice on behalf of State of Haryana.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon response from the respondents at this stage, as no order prejudicial to the interest of any party is being passed.

This petition is disposed of with a direction to respondent No.2 to take an appropriate decision on pending representation filed by the petitioner and decide the same in accordance with law preferably within a period of one month from the date of receipt of certified copy of this order.

14.12.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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