

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CWP-27911-2022

Date of Decision:20.03.2023

Sangeeta Sharma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Lajpat Rai Sharma, Advocate,
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

Mr. Ramesh Goyat, Advocate,
for respondent No.7.

VINOD S. BHARDWAJ , J.(Oral)

The instant petition has been filed seeking issuance of directions to respondent No.7-(Pt. B.D. Sharma) PGIMS, Rohtak to conclude the enquiry in the complaint submitted by the petitioner pertaining to the medical negligence of the doctors of respondent No.8-Kedar Hospital, Faridabad.

Learned counsel appearing on behalf of the petitioner contends that Naveen Kumar @ Vicky, son of the petitioner, consumed some poisonous substance whereupon he was immediately taken to B.K. Hospital, Faridabad. He was given first aid by the doctors attending him and was referred to another hospital. The petitioner admitted her son for better

treatment in Kedar Hospital, Faridabad-respondent No.8. However, on account of carelessness and negligent treatment given by the doctors attending him in the Kedar Hospital, son of the petitioner expired on 11.10.2018. The petitioner thereafter submitted a complaint against respondent No.8-Kedar Hospital to the competent authority as per Notification dated 28.02.2018 issued by the Government of Haryana. As no heed was paid, an application was submitted by the petitioner on 12.02.2020 to the officials for forwarding the case qua determination of the medical negligence to respondent No.7. He further contends that the abovesaid representation/request submitted by the petitioner was thereafter forwarded by the Medical Board to PGIMS, Rohtak but the enquiry has not been conducted by the concerned Committee of the PGIMS, Rohtak.

Mr. Ramesh Goyat, Standing Counsel for respondent No.7 submits that there was some deficiency in the documents that were forwarded by the competent committee to the PGIMS, Rohtak and a request in this regard had been sent to the abovesaid Committee on 01.02.2023 for seeking clarification.

Learned counsel appearing on behalf of the State of Haryana, on instructions from Sh. Sushil Ahlawat, Deputy Civil Surgeon in the office of Civil Surgeon, Faridabad, submits that in response to the aforesaid query, the requisite documents have already been forwarded by the respondent-Committee of the State on 28.02.2023 to the PGIMS, Rohtak.

Learned counsel appearing on behalf of respondent No.7 submits that they shall communicate any deficiency or demand for any other documents as may be so required by the Committee of respondent No.7 for giving an opinion to the respondent-State within a period of one week.

Learned State Counsel submits that in the event of any such further demand of documents/clarification being received from respondent No.7, the requisite documents or clarification shall be responded to within a period of one week thereafter.

Learned counsel appearing on behalf of respondent No.7 undertakes that upon the aforesaid documents being furnished within the period as aforesaid, opinion qua the medical negligence, if any, on the strength of the documents, shall be furnished within a period of four weeks thereafter.

In view of the aforesaid statements/undertakings given by learned counsel appearing on behalf of the respective parties, learned counsel for the petitioner contends that the present petition has been rendered infructuous at this stage and the same may be disposed of as such.

Disposed of as having been rendered infructuous.

However, the respondents shall remain bound by the statements/undertakings given in the Court today and the time-lines mentioned above.

Needless the mention that a copy of the opinion/enquiry report furnished by respondent No.7-PGIMS, Rohtak shall also be forwarded to the petitioner.

March 20, 2023
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No