

Complaint of one Tapas Mukherjee of Khagra, Dist. Murshidabad against Dr. Obaidur Rahaman, New General Hospital, Berhampore.

The matter relates to complaint of one Tapas Mukherjee, Dist. Murshaidabad alleging medical negligence on the part of Dr. Obaidur Rahaman of New General Hospital, Berhampore, Murshidabad. It was alleged that his wife, a patient suffering from renal disease, was on way to Kolkata by a car accompanied by him and his son suddenly had an attack of acute respiratory distress was brought to the New General Hospital on 13.11.2006 for emergency management. The car was kept standing in front of the entrance gate of the emergency room of the hospital and the patient was in an acute stage. As the patient was incapacitated to move out of the car, the EMO who was found to be sleeping was requested by the petitioner to see the patient. But the doctor concerned refused to move out of the emergency room of the hospital. After sometime somehow the patient was dragged inside the emergency room. But she was declared dead by that time. To the petitioner the behaviour of the doctor concerned was unlikely of a medical practitioner and not at all a humane one.

A report was called for by the Commission from the Director of Health Services, Government of West Bengal. After receipt of the report from the Director, the Commission went through quasi-judicial proceedings. As many as three witnesses were examined including Dr. Rahaman himself. So far as the enquiry report goes, the concerned

doctor's behaviour and gesture was unethical and inhuman. The doctor might have seen the patient in the car and then asked to take the patient to the emergency table for medical treatment. The intention of the patient party was to know only whether the patient was living or not.

After an in-depth study of the case the Commission arrived at a decision that the concerned Doctor Obaidur Rahaman was held responsible for violation of all ethics of humanity which was expected of a doctor. So the Commission made two recommendations:

- 1) Departmental proceedings be initiated against Dr. Obaidur Rahaman and 2) Compensation of Rs. 50,000/- be paid to the husband-petitioner of the patient.

So far as the action-taken report goes, a compensation of Rs. 50,000/- was paid to Tapas Mukherjee, the petitioner on 29.03.2010 and the outcome of departmental proceedings against Dr. Rahaman was that a "penalty of reduction of pay by fourth steps in the existing pay band for a period of three years during which he shall not earn his normal increments be imposed upon Dr. Dr. Obaidur Rahaman, New General Hospital in terms of Rule 8(iv) of West Bengal Services (C.C.A.) Rules 1971. Again he will be debarred from promotion, if due, during the period of his undergoing penalty. "

Sd/-
O.S.D. & E.O. Spl. Secretary