DMC/DC/F.14/Comp.2491/2/2020/ 07th September, 2020

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined the suo motu notice of a prescription dated 14.04.20 of K.S. Nursing Home, Bisrakh Road, Haldoni Greater Noida, (G.B Nagar)-201306, prescription dated 28.05.20 of N.C. Hospital, 53-54, Sewak Park, Dwarka Mor, Opp. Metro Pillar No.775, New Delhi-110059 (Near Dwarka More Metro Station) and USG whole abdomen report dated 04.05.2020 of J.S. Diagnostic Centre, Near 53-54, Sewak Park, Dwarka Mod, issued by Dr. Gajinder Nayyar in violation of the Delhi Medical Council’s Order No.DMC/DC/F.14/Comp.2491/ 2/2019/286131, 39, 40, 43-45 dated 30th October, 2019 in complaint no. 2491, whereby he was suspended from practicing for the period of 365 days w.e.f. 30th November, 2019.

The Order of the Disciplinary Committee dated 07th August, 2020 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined the suo motu notice of a prescription dated 14.04.20 of K.S. Nursing Home, Bisrakh Road, Haldoni Greater Noida, (G.B Nagar)-201306, prescription dated 28.05.20 of N.C. Hospital, 53-54, Sewak Park, Dwarka Mor, Opp. Metro Pillar No.775, New Delhi-110059 (Near Dwarka More Metro Station) and USG whole abdomen report dated 04.05.2020 of J.S. Diagnostic Centre, Near 53-54, Sewak Park, Dwarka Mod, issued by Dr. Gajinder Nayyar in violation of the Delhi Medical Council’s Order No.DMC/DC/F.14/Comp.2491/ 2/2019/286131, 39, 40, 43-45 dated 30th October, 2019 in complaint no. 2491, whereby he was suspended from practicing for the period of 365 days w.e.f. 30th November, 2019.

The Disciplinary Committee perused the suo moto notice, copy of prescription dated 14.04.20 of K.S. Nursing Home, prescription dated 28.05.20 of N.C. Hospital and USG whole abdomen report dated 04.05.2020 of J.S. Diagnostic Centre issued by Dr. Gajinder Nayyar and other documents on record.

Dr. Gajinder Nayyar participated in the proceedings of the Disciplinary Committee and was heard through video conference.

Dr. Gajinder Nayyar acknowledged the receipt of the notice dated 21st July, 2020 of the Disciplinary Committee proceedings and prescription dated 14.04.20 of K.S. Nursing Home, Bisrakh Road, Haldoni Greater Noida, (G.B Nagar)-201306, prescription dated 28.05.20 of N.C. Hospital, 53-54, Sewak Park, Dwarka Mor, Opp. Metro Pillar No.775, New Delhi-110059 (Near Dwarka More Metro Station) and USG whole abdomen report dated 04.05.2020 of J.S. Diagnostic Centre, Near 53-54, Sewak Park, Dwarka Mod.

Dr. Gajinder Nayyar stated that the prescriptions dated 14.04.20 of K.S. Nursing Home, Bisrakh Road, Haldoni Greater Noida, (G.B Nagar)-201306 and dated 28.05.20 of N.C. Hospital, 53-54, Sewak Park, Dwarka Mor, Opp. Metro Pillar No.775, New Delhi-110059 (Near Dwarka More Metro Station) were issued by him, however, USG whole abdomen report dated 04.05.2020 of J.S. Diagnostic Centre, Near 53-54, Sewak Park, Dwarka Mod was not issued by him. He further claimed that the Delhi Medical Council’s Order No.DMC/DC/F.14/Comp.2491/2/2019 /286131, 39, 40, 43-45 dated 30th October, 2019 in complaint No.2491 directing his removal of name from the State Medical Register of the Delhi Medical Council for the period of 365 days w.e.f. 30th November, 2019, was never received by him. The said Order was served at Sayam Hospital to Dr. Babita who never communicated it to him. He, however, admitted to the knowledge of a criminal case initiated as a consequence of the said Order against Dr. Babita by police in Rohini Court.

On being informed that Order (No. DMC/DC/F.14/Comp.2491/2/2019/ 286139) dated 30th October, 2019 was also sent to him at his address “G-1002, Winter Hills Apartment, Dwarka Mor, New Delhi-110059”, Dr. Gajinder Nayyar stated that since he had changed his residential address, he did not receive the copy of the said Order.

In view of the above, the Disciplinary Committee makes the following observations :-

1. It is observed that inspite of the fact that Dr. Gajinder Nayyar has been suspended from practicing vide Order No.DMC/DC/F.14/ Comp.2491/2/2019/286131, 39, 40, 43-45 dated 30th October, 2019 for a period of 365 days w.e.f. 30th November, 2019, Dr. Gajinder Nayyar was found to be practicing during the period of punishment, as is established on perusal of the prescription dated 14.04.20 of K.S. Nursing Home, prescription dated 28.05.20 of N.C. Hospital and USG whole abdomen report dated 04.05.2020 of J.S. Diagnostic Centre, which bears Dr. Gajinder Nayyar name and signature.
2. We are further pained to note the total indifference of Dr. Gajinder Nayyar, as is reflected in his failing to file his written statement, inspite of repeated notices (sent on 16th June, 2020, 09th July, 2020 and 21st July, 2020), so as to render assistance in this matter. This recalcitrance towards an authority which is exercising power of Civil Courts and whose proceedings are judicial in a nature, tantamount to misconduct. It is further noted that even in the proceedings relating to complaint No. 2491; Dr. Gajinder Nayyar did not present himself before the Disciplinary Committee of the Delhi Medical Council, inspite of notice.
3. It is noted that Dr. Gajinder Nayyar (Dr. Gajinder Kumar Nayyar) is registered with the Delhi Medical Council under registration No.36089 dated 7th November, 2007 with the qualification of M.B.B.S., University of Delhi, 1984 only, whereas in the prescription dated 14th April, 2020 on the letter head of K.S. Nursing Home and similarily, in the prescription dated 28th May, 2020 on the letter head of N.C. Hospital, Dr. Gajinder Nayyar has been suffixing M.B.B.S., F.R.C.R. Dr. Gajinder Nayyar did not submit any document in support of having been awarded qualification in F.R.C.R. to the Delhi Medical Council. It is, however, noted that as per the documents available in the records of the Delhi Medical Council, Dr. Gajinder Kumar Nayyar has just passed First Examination for the Fellowship in Clinical Radiology Summer 2006 from the Royal College of Radiologists and has not cleared all the qualifying examinations, which entitled a person to be awarded degree certificate in FRCR; hence, Dr. Gajinder Nayyar is not competent or authorized to issue any radiological report. He, thus, acted in violation of provision of Regulation 1.4.2 of Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002 which mandates that “*physicians shall display as suffix to their names only recognized medical degrees or such certificates/diplomas and memberships/honours which confer professional knowledge or recognizes any exemplary qualification/achievements”.*
4. It is noted that Dr. Gajinder Nayyar has also issued radiological test report dated 04th May, 2020 (J.S. Diagnostic Centre) of USG whole abdomen, himself without holding any recognized qualification in the field of radiology and also suffixing F.R.C.R. and Cons. Radiologist to his name.

It is also observed that without holding recognized medical qualification in the field of radiology, Dr. Gajinder Nayyar is not competent or authorized to issue radiological reports of the nature mentioned hereinabove.

1. It is observed that in addition to this complaint, in past, in complaint No.2387, the Delhi Medical Council vide Order No.DMC/ DC/F.14/Comp.2387/2/2019/280536, 37, 37 dated 19th March, 2019 held Dr. Gajinder Nayyar guilty of professional misconduct for suffixing F.R.C.R. to his name and issuing radiological examination report, without holding requisite qualification in field of radiology, beside other transgressions, and awarded him punishment of 180 days w.e.f. 19th April, 2019 to 15th October, 2019.

In light of the observations made hereinabove, it is the decision of the Disciplinary Committee that Dr. Gajinder Nayyar is an incorrigible repeat offender who has indulged in serious acts of professional misconduct, which has brought disrepute to the profession and his actions detailed herein-above poses a serious risk to the lives of gullible people of the State of Delhi, hence, the Disciplinary Committee recommends that the name of Dr. Gajinder Nayyar (Dr. Gajinder Kumar Nayyar, Delhi Medical Council Registration No. 36809) be removed from the State Medical Register of the Delhi Medical Council for a period of five years.

Matter stands disposed.

Sd/: Sd/:

(Dr. Subodh Kumar), (Dr. Ashwini Dalmiya)

Chairman, Delhi Medical Association

Disciplinary Committee Member,

 Disciplinary Committee

 Sd/: Sd/:

(Shri Rajesh Gupta) (Dr. Dinesh Kumar Negi)

M.L.A., Expert Member,

Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 07th August, 2020 was confirmed by the Delhi Medical Council in its meeting held on 02nd September, 2020.

The Council further confirmed the punishment of removal of name of Dr. Gajinder Nayyar (Dr. Gajinder Kumar Nayyar, Delhi Medical Council Registration No. 36809) awarded by the Disciplinary Committee for a period of five years.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

 By the Order & in the name

 of Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

Copy to:-

1. Dr. Gajinder Nayyar, R/o A-203 Winter Hill Aptt. Dwarka Mor, New Delhi-110059.
2. Secretary, Medical Council of India, Pokcet-14, Phase-1, Sector-8, Dwarka, New Delhi-110077-(**Dr. Gajinder Kumar Nayyar is also registered with the Medical Council of India under registration No.4601 dated 30.01.1985)-for information & necessary action.**

 (Dr. Girish Tyagi)

 Secretary