DMC/DC/F.14/Comp.1418/2/2023/ 18th September, 2023

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a representation from Police Station, Vivek Vihar, East District, New Delhi, seeking medical opinion in respect of death of Late Bhagmali w/o Shri Jagbir Singh, allegedly due to medical negligence on the part of doctors of I.G.E.S.I. Hospital, resulting in her death on 29.10.2012 at I.G.E.S.I.C. Hospital, Jhilmil, Delhi-110095.

The Order of the Disciplinary Committee dated 10th August, 2023 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a representation from Police Station, Vivek Vihar, East District, New Delhi, seeking medical opinion in respect of death of Late Bhagmali (referred hereinafter as the patient) w/o Shri Jagbir Singh, allegedly due to medical negligence on the part of doctors of I.G.E.S.I. Hospital, resulting in her death on 29.10.2012 at I.G.E.S.I.C. Hospital, Jhilmil, Delhi-110095(referred hereinafter as the said Hospital).

The Disciplinary Committee perused the representation from police, written statement of Dr. Sandeep Kumar Singh, Dr. Alok Kumar, Dr. Rajiv Ranjan, written statement of Dr. Amit Aggarwal, Dr. Sanddep Kumar Gupta, Dr. Pinki and Dr. Sanchit Singh, copy of medical records of ESI Hospital, post mortem report no. 1147/2012 dated 01.11.2012, final opinion as to cause of death dated 15.12.2016 and other documents on record.

The following were heard in person :-

1) Shri Kartar Singh Complainant

2) Dr. Alok Kumar C.M.O., I.G.E.S.I.C. Hospital

3) Dr. Sandeep Kumar Singh CMO, I.G.E.S.I.C. Hospital

3) Dr. Rajeev Ranjan CMO, I.G.E.S.I.C. Hospital

4) Dr. Amit Aggarwal Senior Resident Medicine, I.G.E.S.I.C. Hospital

5) Dr. Sandeep Gupta Specialist Chest, I.G.E.S.I.C. Hospital

6) Dr. Pinki Spl. Path., I.G.E.S.I.C. Hospital

7) Dr. Sanchit Singh C.M.O., I.G.E.S.I.C. Hospital

8) Dr. Romi Khurana SAG, I.G.E.S.I.C. Hospital

9) Dr. Satyender Singhal Medical Superintendent, I.G.E.S.I.C. Hospital

It is noted that the police in its representation has averred that on 29th October, 2012, a PCR call vide DD No.11 A was received at Police Station Vivek Vihar regarding the quarrel inside emergency of ESI Hospital. The said call was marked to SI Sachin Tomar for taking necessary action. IO/Sachin alongwith staff immediately reached at the hospital and found that one Smt. Bhagmali w/o Shri Jagbir, aged 60 years old, was brought to the said Hospital on 28th October, 2012 for the treatment at about 06.00 a.m. The complainant/son of the deceased namely Shri Kartar Singh alleged that his mother expired due to negligence and carelessness of the doctors and nursing staff of the said hospital because he was present in the night of 28/29.10.2012 in the female ward of IG ESI Hospital. On the statement of the complainant, the above mentioned was registered at Police Station Vivek Vihar and investigation was started. A Medical Board of the doctors was constituted for conducting autopsy on dead body of deceased Bhagmali. Autopsy of the dead body of the deceased was conducted by the Medical Board of MAMC Mortuary, Delhi on 01st December, 2012 vide post-mortem report No.1147/12. Autopsy surgeons seized viscera sample of skin (Rt. Wrist control), sample of (Lt. wrist) test, and tissues for histopathology examination and handed over to the IO/SI Sachin Tomar. The Medical Borad doctors had given its opinion that ‘the post mortem findings are consistent with the deceased having suffered from pneumonia of both the lungs. The viscera has been preserved for chemical analysis to rule out contaminant posing and samples of relevant tissues preserved for histopathology. Opinion regarding the cause of death will be given after the receipt of chemical analysis and histopathology examination report’. It is, therefore, requested to examine all the medical treatment papers as well as post-mortem report of the deceased and opine whether there is any negligence on the part of the doctors of IG ESI Hospital or otherwise in this case.

The complainant Shri Kartar Singh stated that his mother (the patient) Smt. Bhagmali, 60 years old, with complaints of breathing difficulty and pain in ribs, was brought to the emergency of I.G.E.S.I.C. Hospital at 06.00 a.m. on 29th October, 2012. After two hours, she was shifted to the female ward. For the whole day, no doctor came to examine the patient. In the evening of next day when the condition of the patient further deteriorated, the duty nurse was requested to call the doctor or refer her to some other hospital. After that, a doctor came and examined the patient, but she did not get any relief. She continued to writher in pain. At 11.00 p.m., he (the complainant) was forced to leave the ward by the nursing staff and only complainant’s wife was allowed to be in attendance with the patient. At around 02.00 a.m., his wife told him that the patient’s hand and feet had turned cold but no doctor was attending to her. Nobody allowed him to meet his mother. At 05.30 a.m., he was allowed to see his mother. He again asked for the doctor but no treatment was given to his mother. At 06.00 a.m., his mother had died due to medical negligence on the part of the staff and the doctors of I.G.E.S.I.C. Hospital and he requests the strict action be taken against them.

Dr. Alok Kumar, C.M.O., I.G.E.S.I.C. Hospital in his written statement averred that he was doctor on duty, Medicine Department on 28th October, 2012 (09.00 p.m.) to 29th October, 20212 (09.00 a.m.). He attended the patient late Smt. Bhagmali who was admitted in the second-floor ward under the chest department. He examined the patient at 10.50 p.m. (28.10.2022). At the time of examination, the patient had complaint of breathing difficulty. On examination, the patient’s blood-pressure was 99/60 mmHg, pulse rate was 149/minute, SPO2 was 96% on oxygen, chest-B/L crepts++, CVS S1S2 heard, P/A-soft non tender, the patient’s condition was sick. He made the diagnosis of acute exacerbation of COPD with LRTI, he revised the treatment including I.V. Broad spectrum antibiotics and other required treatment. Again, he examined the patient at 12.05 a.m. (29.10.2012) in the night and further revised the treatment according to the condition of the patient. He received the call from second floor at 06.30 a.m. (29.10.2021), he attended the call immediately. On examination, the patient was unconscious, pulse and blood pressure were un-recordable. He started the CPR as per ACLS protocol immediately. CPR was given for forty-five minutes, but the patient could not be revived despite best possible efforts and declared dead at 07.15 a.m. (29.12.2021). During his duty, he attended the patient regularly, made the proper diagnosis and advised the required treatment as per evidence-based medicine. The diagnosis made by him was also confirmed in the postmortem report. During his duty, the patient received best of care and treatment but her life could not be saved even with his best possible efforts and the treatment.

Dr. Rajeev Ranjan, CMO, I.G.E.S.I.C. Hospital in his written statement averred that he attended the patient named Bhagmali Devi, 60 years old female on 28th October, 2012 at 07.45 a.m. with presenting complain of chest pain and cough for one week. On examination, blood pressure was found as 140/90 mmHg, RBS-305 mg/dl and chest-B/L ronchi present. He attended her on time and after giving symptomatic treatment, as mentioned in prescription. He referred the patient to DOD (Doctor on Duty) Medicine and he informed DOD Medicine to attend the patient on urgent basis.

Dr. Sandeep Kumar Singh, CMO, I.G.E.S.I.C. Hospital in his written statement averred that he was posted in medicine department as Medical Officer and performing night duty as medicine doctor on duty in the casualty on 27th October, 2012 from 09.00 p.m. to 09.00 a.m. (28.10.2012). The patient late Bhagmali, 60 years old female, was presented to the casualty on 28th October, 2012 at 07.45 a.m. Dr. Rajiv Ranjan (CMO on duty) attended her and referred to him (Dr. Sandeep Kumar Singh). He received the patient, presented with complaints of left sided chest pain, breathlessness associated with cough and blood in sputum with history of fever. He examined the patient and initial cardiac workup revealed no significance abnormality on evaluation. He made a presumptive diagnosis of pulmonary tuberculosis and managed the patient with best initial symptomatic treatment and advised relevant investigations. The patient showed some response to initial medical treatment. He admitted the patient in chest female ward and referred the patient to the chest department. He left the hospital at 09.00 a.m. on 28th October, 2012 after handing over to next medicine who joined day duty in the casualty.

Dr. Pinki, Spl. Path., I.G.E.S.I.C. Hospital in her written statement averred that she was on duty as C.M.O. in the casualty on 28th October, 2012 from 09.00 a.m. to 03.00 p.m. (as per record). The patient Smt. Bhagmali presented in the casualty at 07.45 a.m. on 28th October, 2012 and admitted at 08.50 a.m. under the care of DOD (Doctor on Duty) med./chest (as per record). Any concern regarding the said patient was not brought to her notice.

Dr. Sanchit Singh, C.M.O., I.G.E.S.I.C. Hospital in his written statement averred that he was on duty as C.M.O. in the casualty on 28th October, 2012 from 03.00 p.m. to 09.00 p.m. The patient Smt. Bhagmali presented in the casualty at 07.45 a.m. on 28th October, 2012 and admitted at 08.50 a.m. under the care of DOD (Doctor on Duty) medicine/chest. The patient was neither attended by him nor was under his care. Also, any concern regarding the said patient was not brought to his notice.

Dr. Amit Aggarwal, Senior Resident Medicine, I.G.E.S.I.C. Hospital in his written statement averred that he has no recollection of any event of that day which occurred eleven years back. He was not informed about any issues regarding this patient prior to 06th July, 2023. He worked in ESI Hospital, Jhilmil, till 2014.

Dr. Sandeep Gupta, Specialist Chest, I.G.E.S.I.C. Hospital stated that he was the Consultant on Call and that he was never informed about this patient Smt. Bhagmali by the Doctor on Duty.

Dr. Satyender Singhal, Medical Superintendent, I.G.E.S.I.C. Hospital stated that as per the records i.e. case sheet, x-ray machine was not working at the time of admission of the patient Smt. Bhagmali. As per the complaint register for ABG machine, the machine was repaired in 30th October, 2012. ECG report of the patient is filed. The hemogram report norits finding are available in the case sheet. The said report could not be retrieved from the laboratory, as records prior to 2019 were weeded out as routine procedure and the letter with regards to the complaint was received in 2023. On 28th October, 2012, the details of the doctors on duty, are as :- between 09.00 a.m. to 03.00 p.m., Dr. Pinki (CMO), between 03.00 p.m. to 09.00 p.m., Dr. Sanchit Singh (CMO) and Dr. Amit Agarwal (DOD) and between 09.00 p.m. to 09.00 a.m., Dr. Yogesh Sharma (CMO) and Dr Alok Kumar (DOD).

On enquiry by the Disciplinary Committee, Dr. Satyender Singhal, Medical Superintendent, I.G.E.S.I.C. Hospital stated that on Sundays, the Doctor on Duty(medicine) is managing the casualty in addition to the ward. He attends the ward when a call is received for a sick patient from the staff nurse present in the ward.

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

1. It is noted that the patient Bhagmali, 60 years old female, presented in the OPD on 28th October, 2012 of I.G.E.S.I. Hospital at 08.50 a.m. with complaints of chest pain and breathing difficulties since week. She got admitted and conservative treatment was started. But the patient’s condition did not improve and further deteriorated. She went into cardi-respiratory arrest at 06.30 a.m. on 29th October, 2012. Despite resuscitative mesures, the patient could not be revived and was declared dead at 07.15 a.m. on 29th October, 2012.

The cause of death as per final opinion in respect of post-mortem report No.1147 dated 01st November, 2012 was respiratory failure as a result of pneumonia of both lungs.

1. After reviewing the documents submitted, the Disciplinary Committee in the opinion that the patient Bhagmali, 60 years old female, case of COPD, with bilateral pneumonia (post-mortem confirmed) and while her admission of one in I.G.E.S.I. Hospital, Jhilmil, the details of clinical management and care, the patient received is as follows :-
2. In casualty, the patient was examined by Dr. Rajeev Ranjan, C.M.O. on duty at 07.45 a.m. on 28th October, 2012 and after giving symptomatic treatment, the patient referred to the medicine.
3. In medicine department, the patient was received and examined by Dr. Sandeep Kumar Singh and diagnosing of pulmonary T.B. was made and the patient started on treatment. However, no investigations were done to confirm the diagnosis. The patient was further admitted in Female Chest Ward.
4. The patient was seen by Senior Resident on duty Dr. Amit Aggarwal, but no notes by Dr. Amit Aggarwal are available in the records.
5. At 10.50 p.m. of 28th October, 2012, after receiving the emergency call, Dr. Alok Kumar, C.M.O. on duty attended the patient and despite of clinical deterioration, patient was still kept in ward and not shifted in the ICU. Again 12.05 a.m. on 29th October, 2012, the patient was examined by Dr. Alok Kumar for further deterioration in clinical condition. The patient was declared dead at 07.15 a.m. on 29th October, 2012.
6. Dr. Sandeep Gupta, Chest Specialist on call stated that he was never informed about this patient.

In light of the observations made herein-above, it is the decision of the Disciplinary Committee that a warning be issued to Dr. Amit Aggarwal(Dr. Amit Anil Aggarwal, Delhi Medical Council Registration No.30090) and Dr. Alok Kumar (Delhi Medical Council Registration No.108004).

Matter stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Rajnish Kaushik)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 10th August, 2023 was confirmed by the Delhi Medical Council in its meeting held on 21st August, 2023.

The Council further confirmed the punishment of warning awarded by the Disciplinary Committee to Dr. Amit Aggarwal (Dr. Amit Anil Aggarwal, Delhi Medical Council Registration No.30090) and Dr. Alok Kumar (Delhi Medical Council Registration No.108004).

The Council further observed that the Order directing the issuance of warning shall come into effect after 60 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. Shri Kartar Singh, S/o Jagbir Singh, R/o Village-GarhiKalanjri, PS Chandi Nagar, District Bagpat, Uttar Pradesh.
2. Dr. Alok Kumar, Through Medical Superintendent, I.G. ESIC Hospital, Jhilmil, Delhi-110095.
3. Dr. Sandeep Kumar Singh, Through Medical Superintendent, I.G. ESIC Hospital, Jhilmil, Delhi-110095.
4. Dr. Rajiv Ranjan, Through Medical Superintendent, I.G. ESIC Hospital, Jhilmil, Delhi-110095.
5. Dr. Amit Aggarwal, Through Medical Superintendent, I.G. ESIC Hospital, Jhilmil, Delhi-110095.
6. Medical Superintendent, I.G. ESIC Hospital, Jhilmil, Delhi-110095.
7. SHO, Police Station, Vivek Vihar, Delhi-110095-w.r.t FIR No.323/12, dated 29.10.2012 U/s 304-A/342/34 IPC PS Vivek Vihar-**for information.**
8. Deputy Commissioner of Police, Office of the Deputy Commission of Police, Shahdara District, Bholanath Nagar, Shalimar Park, Delhi-110032- w.r.t FIR No.323/12, dated 29.10.2012 U/s 304-A/342/34 IPC PS Vivek Vihar-**for information.**
9. Registrar, Maharasthra Medical Council, 189-A, Anand Complex, 2nd Floor, Sane Guruji Marg, Arthur Road Naka, Chinchpokali (W), Mumbai (**Amit Aggarwal** **is also registered with the Maharasthra Medical Council under registration No. 2005/10/3852 dated 13.10.2005)**-**for information & necessary action.**
10. Registrar, Bihar Council of Medical Registration, Road No. 11/D, Rajender Nagar, Patna, 800016, Bihar. (**Dr. Alok Kumar is also registered with Bihar Council of Medical Registration under registration No-36414 dated 01.02.2007**) - **for information and necessary action**.
11. National Medical Commission, Pocket-14, Sector-8, Phase-1, Dwarka, New Delhi-110077- **for information and necessary action**.

(Dr. Girish Tyagi)

Secretary