DMC/DC/F.14/Comp.2466/2/2022/ 29th November 2022

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri Balbir Singh, r/o- 923, Tilak Gali, Kashmiri Gate, Delhi, forwarded by the Medical Council of India, alleging professional misconduct and medical negligence on the part of Dr. Sadhna Singhal of Muni Maya Ram Jain Hospital, Muni Maya Ram Marg, KD-Block, Pitampura, Delhi, in the treatment administered to the complainant at Muni Maya Ram Jain Hospital.

The Order of the Disciplinary Committee dated 06th October, 2022 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri Balbir Singh, r/o- 923, Tilak Gali, Kashmiri Gate, Delhi (referred hereinafter as the complainant), forwarded by the Medical Council of India, alleging professional misconduct and medical negligence on the part of Dr. Sadhna Singhal of Muni Maya Ram Jain Hospital, Muni Maya Ram Marg, KD-Block, Pitampura, Delhi, in the treatment administered to the complainant at Muni Maya Ram Jain Hospital (referred hereinafter as the said Hospital).

The Disciplinary Committee perused the complaint, written statement of Dr. Seema Mishra and Medical Superintendent, Muni Maya Ram Jain Hospital and other documents on record.

The following were heard in person :-

1) Shri Balbir Singh Complainant

1. Dr. Sadhna Singhal Physician, Muni Maya Ram Jain Hospita
2. Dr. Seema Mishra R.M.O., Muni Maya Ram Jain Hospital
3. Dr. R.P. Jain Medical Superintendent, Muni Maya Ram Jain Hospital

The complainant Shri Balbir Singh alleged that he was on his way to duty at 198, Vaishali (Delhi University-Teacher Colony) on Wednesday, 17th January, 2018 at about 10.30 a.m. He got down at the bus stop at Muni Maya Ram Hospital and was crossing the road by foot when a speeding white car being driven rashly and negligently hit him. A crowd of onlookers gathered and started helping him to get up. The car driver accepted his (the car driver) fault that his (the car driver) car had hit him. However, despite his (the complainant) asking, the car driver helped him to get inside the car, as he could barely walk and speak. He even asked the car driver to call his family but the car driver said he (the car driver) knew a doctor in Muni Maya Ram Hospital and that, being the nearest hospital, was the safest option. In the meanwhile, he felt unbearable pain. The next thing, he remembers was lying on the hospital bed. Thereafter, a lady doctor on duty told the driver to take him (the complainant) downstairs in wheelchair to get the x-ray done of his injured left food and right hand. Subsequently, she (lady doctor) told him that it was a case of minor muscle tear which would heal by itself and as such he required only bed rest for about seven days. In-fact, when he was getting ready to leave for home, the driver’s father met him (the complainant) and told that the driver was a student of Delhi Technical University and his mother is also a medical doctor. Therefore, he needs not to worry about medical treatment. Following these assurances, he proceeded for home. Furthermore, she (lady doctor) wrote no prescription for him despite his requesting for it. To his utter disappointment, even after ten days, he felt excruciating pain and the swelling on his hand and foot had worsened. Thereafter, his elder son took him to the Indian Spinal Injuries Centre, Sector-C, Vasant Kunj, New Delhi-110070 on 27th January, 2020. After examining the x-rays of his foot and hand done in that hospital, the doctor diagnosed him as a case of fractured hand and foot which were duly plastered by the orthopaedic doctor. Also he was prescribed the medical treatment and advised to report for periodic review. It is pertinent to mention here that vital information about identities; phone numbers etc. of the rash car driver (Shri Ayyush Goel) and negligent/mal-practicing doctor (Dr. Sadhna Singhal) have been collected by him and his elder son through personal visits to the hospital. This was done about two months after the accident when his plaster of foot and hand had been removed in the Spinal Injuries, Centre, Vasant Kunj, New Delhi. In short, as a result of collusion between the driver, driver’s father and the lady doctor (Dr. Sadhna Singhal, MLC No.1184), he has, thus, suffered for nearly three months, as he could not go to work, causing him not only financial loss but also physical and mental agony. In view of the financial loss and suffering, he has gone through, the Delhi Medical Council is requested to register a FIR and take further appropriate legal action against the doctor.

Dr. Seema Mishra, Muni Maya Ram Jain Hospital in her written statement averred that in casualty she received the complainant Shri Balbir Singh aged 65 years on 17th January, 2018 at 11.40 a.m. with alleged history of RTA(Road Traffic Accident) and had history of fall. The complainant sustained injuries on right hand and left ankle. She gave him first aid in form of injection T.T., injection Dynapar intramuscular and did local antiseptic management of injuries externally. She mobilised him for x-ray of right hand A P left and left ankle AP left. For the same case, she prepared M.L.C. 1184/2018. But, the complainant refused for any M.L.C., for which, the complainant himself and the attendant gave in writing with their signatures at the back of prepared M.L.C. She advised him othopaedician opinion for any further orthopaedic management, but the patient and the attendant refused for any further management rather first aid and they left the hospital against medical advice; taking away x-ray films with them. She assures the Delhi Medical Council that in this case she neither did any negligence nor she did any misconduct with the patient.

Medical Superintendent, Muni Maya Ram Jain Hospital in its written statement averred that the complainant Shri Balbir Singh age 65 years, male visited this hospital on 17th January, 2018 and was examined by their casualty medical officer Dr. Seema Mishra vide casualty OPD No.58738. MLC was made vide MLC no.1184/2018. As alleged by the complainant, the complainant was examined by Dr. Sadhna Singhal, but in-fact, the complainant was examined by Dr. Seema Mishra. After thorough examination, she (Dr. Seema Mishra) advised x-rays of his (the complainant) right wrist and left ankle AP & LAT views. X-ray of right wrist shows bone density is reduced and fracture of lower end of radius noted. X-ray of left ankle shows bone density is reduced and no obvious bony injury was noted, calcaneal spur was noted. The patient was given proper treatment after explaining the complainant about his injuries fracture bone, but the complainant refused. During the stay of the complainant in the hospital casualty, the complainant and Shri Ayush Goel came to her and both of them have written on the MLC sheet that they do not want any police case and left the hospital. After that, the complainant did not turn up in this hospital for further check-up. There was no negligence on the part of Dr. Seema Mishra, the treating doctor, as alleged by the complainant.

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

1. It is noted that as per the MLC No.1184 dated 17th January, 2018, the complainant Shri Shri Balbir Singh presented to the said Hospital with alleged history of RTA (Road Traffic Accident), sustained injury on right hand and left ankle. On examination, he was found to be conscious, PR-84/minute, blood-pressure-130/80 mmHg. He was given first aid, injection Dynapar and T.T. It is also observed that x-ray right wrist AP + Lat view (S.No.174) dated 17th January, 2018 done at the said Hospital reported bone density is reduced, fracture lower end of radius noted. Similarly, the x-ray left ankle (AP + LAT view) also reported: bone density is reduced, no obvious bony injury noted, calcaneal spur noted. Apart from first aid, no further treatment was given. Subsequently, the complainant consulted Indian Spinal Injuries Centre on 27th January, 2018 where on x-ray, he was noted to have fracture of Right Distal Radius with shortness and fracture of left Joint. A plaster slab was advised with medication and review after two weeks. The complainant thereafter followed-up at Indian Spinal Injuries Centre and on 28th April, 2018, the fractures was noted to be united.
2. It is observed that since the present case was a RTA (Road Traffic Accident), proper MLC should have been made, which was not done. Dr. Seema Mishra had initiated the MLC, however, at the behest of the complainant Shri Balbir Singh and one Shri Ayush Goel, since apparently, they did not want any police case, Dr. Seema Mishra failed to complete the formalities of MLC and, thus, did not inform the police of this RTA case. Dr. Seema Mishra, thus, erred in discharge of her legal obligation, which was expected of a reasonably prudent doctor.
3. Further, even though, Dr. Seema Mishra in MLC S.No.1184 has observed that the complainant had sustained injury in right hand, left ankle and apparently advised x-ray, which was reported on 17th January, 2018, itself revealing fracture lower end; no treatment for fracture was administered nor as per record the complainant was referred to an orthopaedician, albeit, she claims that she had verbally advised the complainant for the same. Dr. Seema Mishra, thus, failed to exercise reasonable degree of skill, care and knowledge, expected of a prudent doctor.

In light of the observations made hereinabove, the Disciplinary Committee recommends that a warning be issued to Dr. Seema Mishra (Delhi Medical Council Registration No.941) with a direction that she should undergo twelve hours of Continuing Medical Education (C.M.E.) on the subject “Medico Legal Cases” and submit a compliance report to this effect to the Delhi Medical Council.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Sumit Sural)

Chairman, Delhi Medical Association Expert Member

Disciplinary Committee Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 06th October, 2022 was confirmed by the Delhi Medical Council in its meeting held on 19th October, 2022.

The Council further confirmed the punishment of warning awarded by the Disciplinary Committee to Dr. Seema Mishra (Delhi Medical Council Registration No.941) with a direction that she should undergo twelve hours of Continuing Medical Education (C.M.E.) on the subject “Medico Legal Cases”, within a period of three months from the date of the Order and submit a compliance report to this effect to the Delhi Medical Council.

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 Balbir Singh, r/o- 923, Tilak Gali, Kashmiri Gate, Delhi-110006.
2. Dr. Seema Mishra, Through Medical Superintendent, Muni Maya Ram Jain Hospital, Muni Maya Ram Marg, KD-Block, Pitampura, Delhi.
3. Dr. Sadhna Singhal, Muni Maya Ram Jain Hospital, Muni Maya Ram Marg, KD-Block, Pitampura, Delhi
4. Medical Superintendent, Muni Maya Ram Jain Hospital, Muni Maya Ram Marg, KD-Block, Pitampura, Delhi.
5. National Medical Commission, Pocket-14, Phase-1, Sector-8, Dwarka, New Delhi-110077-w.r.t. erstwhile Medical Council of India’s letter No.MCI-211(2)(Gen.)/2018-Ethics/110779 dated 23.05.2018 (***Dr. Seema Mishra is also registered with the erstwhile Medical Council of India under registration No.8740 dated 15.03.1990***)-**for information & necessary action**.

(Dr. Girish Tyagi)

Secretary