
(1992) 04 NCDRC CK 0052

In the National Consumer Disputes Redressal Commission

SUNAKAR BHOL

APPELLANT

Vs

AMAR DRUG HOUSE

RESPONDENT

Date of Decision : 06-04-1992

Acts Referred:

Citation : 1992 2 CPJ 938

Hon'ble Judges : S.C.Mohapatra , R.N.Panigrahi , J.Patnaik J.

Final Decision : Complaint allowed

Judgement

1. DEFICIENCY in medical service and defect in goods i.e. medicine is the subject-matter of this complaint.

2. CASE of complainant is that on 7-4-1990 he got his son aged three years admitted to Paediatric department of S.C.B. Medical College Hospital for treatment where Opp. Party No. 2 is Profession and Opp. Party No. 3 is Superintendent of the hospital. His son was treated for Protien Energy Malnutrition. Although he was not fully cured and was having loose motion i.e. dysentery, he was discharged on 11-4-1990 stating that his condition was satisfactory. Dr. N. Dey who discharged his son from hospital advised and prescribed in the discharge certificate (a) High protien diet (b) Globiroh capsules 1 capsule a day; (c) Dexorange plus 1 tab. twice a day; and (d) to check up after one month. When his son was admitted, he was prescribed to take globiron syrup which had to be purchased by complainant from Opp. Party No. 1 paying Rs. 26-50 paise. Grievance is that a child aged three years was advised to take capsules. After discharge complainant went to Opp. Party No. 1 with the discharge certificate where medicines were prescribed for purchase of medicines Opp. Party No. 1 sold the medicines and charged Rs. 40/- for capsules and Rs. 27/- for Dexorange plus as per receipt granted for Rs. 67/-. Son of complainant could not swallow the capsule when administered and vomited. Second attempt after half an hour after was to the same effect. When complainant approached the doctors in the department to which he rushed on account of the result of administering medicine, doctors whom he approached did not pay any heed. One

doctor advised to grind the capsule and administer the same. Finding no way out, complainant consulted Dr. S.K. Giri at his residence who prescribed medicines worth Rs. 70/-. On 13-4-1990 when condition of his son did not improve, he consulted Dr. Giri again who prescribed medicines worth Rs. 70/- again. When there was no improvement, complainant got his son admitted to INF Ward 2nd Unit of Sishu Bhawan by Dr. S.K. Giri where he was extensively treated to be discharged on 23-4-1990. On enquiry complainant came to know that Opp. Party No. 1 did not supply the correct medicine. On account of pain and suffering, defect in goods and deficiency in service, claim of compensation of Rs. 1,10,000/- has been claimed.

Opp. Party No. 1 stated in reply denying his charging Rs. 40/- for globiron capsules. He stated that globiron is not manufactured in capsule form. Globiron syrup is usually substituted by Globac capsules manufactured by M/s. Cadila Antibiotics Ltd. Explaining how Globiron was written in the memo opposite party stated that his employee showed globiron syrup. While writing out complainant disturbed to find out if there is substitute. Employee who knew the complainant stopped there. Complainant went to the Physician at instance of the employee to get advice for purchase of Globac capsule instead of Globiron syrup since Globiron capsule was not available. Complainant returned after some time with a slip prescribing Globac capsule for which Rs. 40/- was charged. Absence of scarring "Globiron" is a mistake of the employee.

3. SUPERINTENDENT of the hospital (O.P. No. 3) while forwarding the statement of Opp. Party No. 2 stated that nothing was brought to notice of the SUPERINTENDENT and there is nothing to add to the parawise report of Opp. Party No. 2. Opp. Party No. 2 stated that the child was discharged on 11-4-1990. The Child was in improving condition. Usually only when a patient improves, he is discharged from the ward to be followed up in the O.P.D.. This is just to cope up with the more number of admission of serious cases in the ward daily. There is no doctor named Dr. N. Dey in the ward who is alleged to have issued the discharged certificate. There was one lady house Physician namely Dr. N. Dey, who is no more in the college and therefore, could not be contacted. No doctor consulted him while discharge certificate was issued. He was also not consulted while patient was admitted to hospital as he was on casual leave on 7th and 8th April, 1990. Dr. M.M. Das Assistant Professor admitted the child to the ward. Patient was examined by the Professor on 9th, 10th and 11th i.e. on the date of discharge. There is no preparation like Globiron capsule or Dexorange tablet was available in the market. Such prescription is not expected to be honoured by any Chemist. It is further stated that complainant should have brought it to the notice of the department of Paediatric so that desired medicine could have been prescribed. Atleast the treating physician ought to have been contacted about non-availability of such medicine so that necessary advice could have been given to purchase the desired medicine. It is further stated that names of the doctors who were approached not having been given, no enquiry could be conducted. He has stated that on 12th he was in the department till 2 p.m. and other colleagues

were also with them.

4. FROM the aforesaid assertions there is no dispute that son of the complainant was admitted to the hospital and was discharged on 11th April, 1990. The discharge certificate No. 443 indicates name of Professor S.B. at the top. It is written in the discharge certificate that one tablet a day of Globiron is to be taken and one TSF of Dexorange plus twice a day is to be taken. Discharge certificate has been signed by Dr. N. Dey. We fail to appreciate how a house physician discharged a patient who was admitted by the Assistant Professor. The bed head ticket ought to have been produced before us to indicate that there was advice of a responsible doctor who is in the charge of the ward to discharge the patient. Superintendent is very casual in this case in not investigating the matter. There are a handful of doctors in the ward. For a patient or his attendant, it is not possible to know the name of the doctor unless the same is disclosed. A handful of doctors in the department could have been called upon to state whether complainant or any body frantically required their help. We cannot loose sight of the fact that grievances about mis-management of the S.C. B. Medical College is a regular talk of anybody who has the chance of visiting the hospital. President had occasion to inspect the hospital once and has given a report which does not speak well of the hospital. We would observe that State Government ought to take stern actions against the delinquents for mismanagement of the hospital since ,we have no doubt that State Government never desires that the premier hospital of the State would be in a mismanaged condition. However, in absence of any allegation of suffering, we are not inclined to award any compensation although we are satisfied that there is deficiency in service. Both Opp. Parties 2 and 3 ought to have approached the authorities of Sishu Bhawan why the patient had to be re-admitted. They have not cared to take adequate steps when a grievance is made against them. When it is the duty of the Superintendent to look to the welfare of the patients, he ought not to have waited for approaches to examine the grievances in respect of mis-management in the hospital. We are also not able to know under what circumstances, doctor S.K. Giri rendered advice in his private chambers. Still worse is the position where a patient has to purchase medicine while being in the hospital ward to streamline administration of the hospital. These aspects of the matters should be carefully examined by the authorities. It is stated by Opp. Party No. 1 that complainant is known to him and his employee. When even to a person known, capsules which has not been prescribed have been supplied, the cash memo is required to indicate the name of the person who prescribed. It has been left blank. His earlier receipt dated 7-4-1990 is also to the same effect. Accordingly, we are satisfied that Opp. Party No. 1 is negligent in dispensing medicine. The medicine dispensed was of no use to the complainant. Dr. Giri had prescribed medicine of Rs. 140/-. His purchased medicine of Rs. 40/- was of no use. Accordingly, we direct that opposite party shall pay a compensation of Rs. 150/- to the complainant for his negligence in selling the medicine. The amount shall be paid within one month of the receipt of the order. In the result, complaint is

allowed with the aforesaid direction. Complaint allowed.