



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL & DENTAL
COUNCIL

In the matter of

Complaint No. PF. 8-2056/2021-DC/PMC

Mr. Janib Ali against Dr. Khan Muhammad Nangrejo (16573-S)

Prof. Dr. Muhammad Zubair Khan	Chairman
Barrister Ch. Sultan Mansoor	Secretary
Prof. Dr. Mahmud Aurangzeb	Member
Mr. Jawad Amin Khan	Member

Present:

Mr. Janib Ali	Complainant
Dr. Khan Muhammad Nangrejo (16573-S)	Respondent
Hearing dated	05.07.2024

I. FACTUAL BACKGROUND

1. Mr. Janib Ali (the "Complainant") filed a Complaint on 25.03.2022 against Dr. Khan Muhammad Nangrejo (the "Respondent") working at Peoples Medical College & Hospital, Nawab Shah (the "Hospital"). The gist of the Complaint is:

The Complainant took his son, Tallat Hussain aged 04 years (the "Patient") who had fell down and sustained injuries on his left eye, to the Hospital. Consultation was done by Respondent who advised operation and then I agreed to get operate my son Tallat Hussain. Check-up of the patient was done from the department of Pathology wherein all test results were found satisfactory. Next day, Respondent with his other companions/ doctors got operated the patient at Peads OT ward in Hospital.



After completion of operation period, the patient expired due to negligence of Respondent and his other companion/ doctor administrated the anaesthesia to my son with high dose due to such negligence of above named accused my son was not suffering and lost his sense and lost his last breath. Direct Complaint was ordered by the Honourable Court of 2nd Additional Sessions Judge, Shabeed Benazirabad, due to non-registration of even FIR.

Complainant prayed for stern action against the Respondent.

II. SHOW CAUSE NOTICE ISSUED TO RESPONDENT

2. In view of the allegations leveled in the Complaint, a Show Cause Notice dated 24.10.2022 was issued to the Respondent doctor, in the following terms:

“...3. WHEREAS, a Complaint has been filed by Mr. Janib Ali (the "Complainant") before the Disciplinary Committee of the Commission (the "Complaint") which is enclosed along with its annexures and shall be read as an integral part of this notice; and

4. WHEREAS, in terms of the complaint, it has been alleged that you negligently performed left-eye surgery of minor, Tallat Hussain. Due to your negligence and carelessness, the patient developed post-operation complications and expired soon thereafter; and

5. Now therefore, you are hereby served such Notice, explaining as to why the penalty shall not be imposed on you under the Pakistan Medical Commission Act, 2020. You are directed to submit response along with complete medical record within the period of thirty (30) days. ...”

III. REPLY OF RESPONDENT

3. The Respondent submitted his response, through counsel, on 02.12.2022, wherein he stated as under:

“... Under the instructions of my client Dr. Khan Muhammad Nangrejo (Reg No. 16573-S), People's Medical College & Hospital, Nawabshah, I am to serve you the subject captioned reply under reference, as below:

- 1. That, the copy of complaint accompanied along with the above referred letter is dated:20-11-2021, and your office letter is issued on 24-10-2022, after the lapse of 11 months, in complete disregard of the*



provisions of Pakistan Medical Commission Act, 2020 provided under section 32 sub-section (3), the same is reproduced hereinafter:

"Provided that a show cause notice shall be issued within fifteen days of receipt of the complaint to the person stating the allegations and providing a period, at least thirty days to respond and a right to be heard before the disciplinary committee".

The above quoted provisions of the said Act under section 32(3) clearly provides the time period for issuance of such show cause notice within 15 days after receipt of the complaint.

2. That, it is further informed that the complainant namely Janib Ali has not approached Pakistan Medical Commission with clean hands as he had first filed the application in honourable court under section 22-A Cr.P.C against my client, which was adjudicated and the same was dismissed vide order dated: 21-08-2019 by learned 3rd Additional Session Judge, Shabeed Benazir Abad. Then my client filed an application under section 265-K Cr.P.C which was allowed vide order dated: 01-04-2022 passed by learned 2nd Additional Session Judge, Shabeed Benazir Abad.

3. That the complainant has also filed criminal Revision application No. S-59 of 2022 against the order dated: 01-04-2022, before the Honourable High Court of Sindh, Circuit Bench at Hyderabad which is pending for adjudication.

4. That, since the matter is sub-judice before the competent court of law, hence the same can not be

adjudicated before your forum, even otherwise you can not give your findings with regard to the matter which is already adjudicated by the Learned 2nd Additional Session Judge and 3rd Additional Session Judge, Shabeed Benazir Abad. In case, your good office entertain the matter and give any conflicting findings to the decisions given by the learned courts, the same would create a complicated situation and the same should be avoided, even otherwise all the institutions and statutory bodies are bound to obey the orders of the courts in letter and spirit.

5. That in light of foregoing facts above, it is therefore advised to withdraw the above referred show cause notice which is issued in disregard of the Provision of the PMC Act, 2020; the matter being adjudicated in learned Session's courts, and the same is also sub-judice before Honourable High Court of Sindh at Circuit Court, Hyderabad. It is also prayed that petitioner may kindly be exonerated from the charge. ...



IV. REJOINDER OF COMPLAINANT

4. A letter dated 08.12.2022 was written to the Complainant enclosing the comments received from the Respondent, directing him to submit his rejoinder. Due to no response, another letter dated 29.12.2022 was written to the Complainant for rejoinder.
5. However, no rejoinder/response from the Complainant has been received, till date.

V. HEARING

6. The matter was fixed for hearing before the Disciplinary Committee for 05.07.2024. Notices dated 27.06.2024 were issued to the Complainant, Mr. Janib Ali and Respondent, Dr. Khan Muhammad Nangrejo directing them to appear before the Disciplinary Committee on 05.07.2024.
7. On the date of hearing, both the Complainant and the Respondent were present before the Disciplinary Committee, in person.
8. The Complainant was asked to present his complaint, where he re-stated the contents of his complaint and narrated the facts of the entire occurrence. He stated that his minor son (the 'patient') suffered trauma to his left eye due to an accident and when taken to the Respondent, he was advised an operation. Before operation, all tests were found to be satisfactory and subsequently operation of the patient was performed by Respondent and his colleagues at paed OT at Peoples Medical College Hospital, Nawabshah. However, the patient did not regain consciousness after the said operation, due to excessive anesthesia given by the Respondent and expired at night.
9. The Respondent was asked to present his stance, where he submitted that the Complainant brought the patient to him and he diagnosed traumatic Granuloma on lower lid of the patient and advised surgery. I performed the surgery which lasted 20 minutes, under anesthesia which was administered by the anesthetist. Patient was conscious and stable, hence shifted to ward but he was suffering from fever, therefore the paed department was contacted and they informed that the condition of the patient is succinylcholine malignant hyperthermia but not alarming. Patient

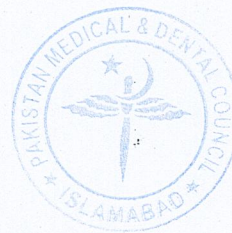


was treated but due to persistent condition was shifted to surgical ICU. Due to unavailability of anti-dote, the patient later expired.

VI. FINDINGS AND CONCLUSION

10. The Disciplinary Committee has perused the relevant record and heard the submissions of the parties at length with the able assistance of the subject expert in the instant Complaint.
11. This Committee notes that the operation of the deceased patient was carried out at 11:00AM and he expired at around 09:30PM, the same day. Further, the relevant paed department also observed that post-operatively the patient was suffering from succinylcholine malignant hyperthermia. It is important to note here that as per the Complainant, the operation of the patient was carried out 04 months after the accident. Therefore, this Committee considers that the anesthetist who was part of the surgery of the patient is a necessary party in the present complaint.
12. Accordingly, due to the revelation of these new facts and keeping in view the statement of the parties, the Disciplinary Committee recommends that the anesthetist who was part of the surgery of the patient and administered anesthesia, as per statement of the present Respondent, shall be called at the next hearing in the instant matter. Fresh notice for appearance shall be issued to the Respondent, along with the anesthetist in the instant matter, to appear before the next meeting of the Disciplinary Committee. In case of non-appearance by the present Respondent and the anesthetist at the next hearing, this Committee may recommend suspension of their individual medical licenses.
13. The case is accordingly adjourned.

Prof. Dr. Muhammad Zubair Khan
Chairman



11 September, 2024