

GOVERNMENT OF ASSAM
HEALTH & FAMILY WELFARE (A) DEPARTMENT
DISPUR :: GUWAHATI-781006

No.HLA.365/2018/680

Dated Dispur the 3rd January, 2022

SPEAKING ORDER

READ : The complain petition submitted by Chandan Bezbaruah and Pinky Bezbaruah, Nalbari against Dr. Rakesh kr. Jain and on duty staff of Nalbari Civil Hospital for negligence towards treatment of Tanistha Kashyap age 4 years and another baby namely Dhritishman Kashyap age 11 months.

ALSO READ : (1) Suspension order issued vide No.HLA365/2018/293 dated 23rd November, 2020.
(2) Charge sheet issued vide notice No. HLA365/2018/294-298 dated 23rd November, 2020 in respect of Dr. Rakesh Kumar Jain, Sr.M&HO, Dr. Gunajit Deka, M&HO-I and Dr.R Bhattarcharyya, i/c Superintendent of SMK Civil Hospital, Nalbari.
(2) Reply to the charge sheets submitted by the above mentioned doctors.
(3) Inquiry report dated 07/10/2021 submitted by the Inquiry Officer.

FINDINGS : (1) Shri Chandan Bezbaruah, Nalbari and Smti Pinky Bezbaruah submitted complain against Dr. Rakesh kr. Jain and on duty staff of Nalbari Civil Hospital for negligence towards treatment of Tanistha Kashyap age 4 years and another baby namely Dhritishman Kashyap age 11 months on 22/8/2020 at Nalbari Civil Hospital resulting in expiry of Tanistha Kashyap at GMCH on 23/8/2020.
(2) The complainants also alleged that Dr. Rakesh Kumar Jain, Sr.M&HO, Nalbari Civil Hospital is doing private practice at Kailash Medicos, L.N.B Road, and at private chamber at home in violation of Government order No.HLB.174/2020/9 dated August,2020.
(3) Dr. Rakesh Kumar Jain, Sr.M&HO, Nalbari Civil Hospital was suspended vide Govt. order No. HLA365/2018/293 dated 23rd November, 2020 pending drawal of disciplinary proceedings.
(4) Subsistence allowance was also granted to Dr. Rakesh Kumar Jain, Sr.M&HO during the suspension period.
(5) Charge was framed vide No. HLA365/2018/294-298 dated 23rd November, 2020 to the doctors of Nalbari Civil Hospital on following charges-
(a) Dr. Rakesh Kumar Jain, Sr.M&HO on charges of indulging in private practice violating Government orders prohibiting private practice and negligence towards patients.
(b) Dr. Gunajit Deka, M&HO-I for negligence of duty and gross misconduct.
(c) Dr. R.C. Bhattarcharyya, i/c Superintendent for negligence of duty and gross misconduct.
(6) Dr. R.C Bhattacharyya submitted his reply to the charge sheet on 15/1/2021 stating that he was not in charge of the hospital during the period of the incident as he was seriously infected with Covid-19.
(7) Dr. Gunajit Deka, M&HO-I submitted his reply to the charge sheet on 21/1/2021 denying the charges brought against him.

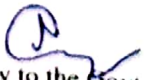


- (8) Dr. Rakesh Kumar Jain, Sr.M&HO submitted his reply to the charge sheet on 17/3/2021 denying the charges brought against him.
- (9) DP was initiated by appointing I/O & P/O vide order No.HLA.365/2018/387 dated 03/6/2021.
- (10) Inquiry Officer submitted the Inquiry report on 07/10/2021 with the following conclusions-
- (a) The charge pertaining to violation of Govt. order by indulging into private practice by Dr. Rakesh Kumar Jain, Sr.M&HO, SMK Civil Hospital, Nalbari is proved. Other charges could not be proved.
- (b) The charges against Dr. Gunajit Deka, M&HO-I, SMK Civil Hospital, Nalbari cannot be proved beyond doubt.
- (c) The charges against Dr. R.C Bhattacharyya, i/c Superintendent, SMK Civil Hospital cannot be proved beyond doubt.

ORDER

: After careful consideration of the inquiry report of the Inquiry Officer, the written reply of the delinquent officers and other relevant records of the matter, it appears that the charge of doing private practice by Dr. Rakesh Kumar Jain, Sr.M&HO (under suspension) could be established. However, the other charges levelled against the 2 (two) doctors namely Dr. R.C Bhattacharyya i/c Superintendent, SKM CH, Nalbari and Dr. Gunajit Deka, M&HO-I, SKM CH, Nalbari could not be established. Therefore the Government in Health and Family Welfare Department is pleased to dispose of the disciplinary proceeding against Dr. Rakesh Kumar Jain, Sr.M&HO (under suspension), Dr. Gunajit Deka, M&HO-I and Dr. R.C Bhattacharyya with the following orders inflicted upon the erring officers-

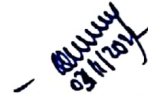
- (a) **The Government in Health and Family Welfare Department hereby imposes the penalty of "withholding of 2(two) increments without cumulative effect" under Rule 7(ii) of Assam Services (D&A) Rule, 1964, upon Dr. Rakesh Kumar Jain, Sr.M&HO.**
- (b) **Dr. Rakesh Kumar Jain, Sr.M&HO (under suspension), SMK Civil Hospital, Nalbari is hereby reinstated into the service with immediate effect. Upon reinstatement, Dr. Rakesh Kumar Jain, Sr.M&HO is transferred and posted as Sr.M&HO at Rangia SDCH, Kamrup against existing vacancy. Further in view of COVID-19, doctor concern is directed to join new place of posting within 48 hours.**
- (c) **The period of suspension of Dr. Rakesh Kumar Jain, Sr.M&HO will be treated as on duty w.e.f. 23rd November, 2020.**
- (d) **Dr. R.C Bhattacharyya, i/c Superintendent and Dr. Gunajit Deka, M&HO-I of SMK Civil Hospital is hereby warned to be more cautious while discharging their duties in the health institutions in future.**


Principal Secretary to the Govt. of Assam
Health & F.W. Department

Copy to:

1. The Accountant General, Assam, Beltola, Guwahati-29.
2. The Director of Health Services, Assam, Hengrabari, Guwahati-36.
3. The Director of Health Services (FW), Assam, Hengrabari, Guwahati-36.
4. **The Joint Director of Health Services, Nalbari, Assam. He is requested to release the doctor concern to enable him join in new place of posting within 48 hours.**
5. The Joint Director of Health Services, Kamrup, Assam.
6. Treasury Officer,, Assam.
7. Dr.
8. P.S. to Hon'ble Minister, Health & Family Welfare Department, Assam, Dispur.
9. P.S to Principal Secretary to Govt. of Assam, Health & Family Welfare Department, Assam, Dispur.
10. P.S. to Commissioner & Secretary to the Govt. of Assam, Health & F.W. Department.

By order etc.

A handwritten signature in blue ink, followed by the date '03/1/2022' written vertically.

Joint Secretary to the Govt. of Assam
Health & F.W. Department.