



GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department - Health Services - Establishment - Judgment Dated 21.11.2022 of the Hon'ble KAT in OA (EKM) 1719/2022 filed by Dr.S.Vineetha, Consultant (O&G) - Complied with - Orders issued.

HEALTH & FAMILY WELFARE (A) DEPARTMENT

G.O.(Rt)No.45/2023/H&FWD Dated,Thiruvananthapuram, 07-01-2023

- Read:- 1 G.O(Rt) No.2639/2022/H&FWD Dated 02.11.2022.
2 G.O(Rt) No.2638/2022/H&FWD Dated 02.11.2022.
3 G.O(Rt) No.2753/2022/H&FWD Dated 16.11.2022.
4 Representation Dated 17.11.2022 submitted by Dr.S.Vineetha, Consultant (O&G).
5 Judgement Dated 21.11.2022 of the Hon'ble KAT in OA (EKM) 1719/2022 filed by Dr.S.Vineetha, Consultant (O&G).

ORDER

The Hon'ble Kerala Administrative Tribunal as per the order read as 5th paper above have directed the 1st respondent ie., Secretary to Government, Health & Family Welfare Department to consider and pass orders on Annexure A4 representation read as 4th paper above.

2) The applicant, Dr. S. Vineetha, while working as Consultant in Obstetrics & Gynaecology at General Hospital, Thrissur, there occurred death of a fetus in respect of Smt. Rineesha Jayesh, patient of Dr.S.Vineetha. Subsequently, Smt. Rinisha Jayesh lodged a complaint before the Hon'ble Minister for Health alleging medical negligence on

the part of the Medical Officer . The Director of Health Services has submitted an enquiry report to Government in the matter. The enquiry was conducted by the then Additional Director of Health Services (Vigilance) (Director of Health Services i/c) on 15.07.2022 at General Hospital, Thrissur. In this report, the Enquiry Officer reported that there is laxity on the part of Dr.S.Vineetha in communicating with the patient and her relatives and an enquiry by the police vigilance may be needed to unearth any unholy nexus between the doctor and the private scanning center. In the report of the Expert Committee, it is noted that the infant of Smt. Rineesha Jayesh was macerated. It appears that when the infant is delivered as macerated, it can be presumed that the intrauterine death of the fetus has happened several days before the baby was delivered which would be an indication of improper examination of the pregnant woman carrying a dead fetus and it will be needed to be established by an Expert Committee. Hence, Government as per Government Order read as 1st paper above have decided to constitute an Expert Committee to investigate whether there were occurred any lapses on the part of the accused Consultant Gynaecologist Dr.S.Vineetha. Vigilance Department was also requested to inquire whether there were any unholy nexus existed between the hospital authorities and the scanning center. In this circumstances, Government as per Government Order read as 2nd and 3rd paper above have decided to transfer Dr. Vineetha from Thrissur District as her stay in Thrissur District Hospital, where the incident took place, would affect further investigation.

3) As per the judgment read as 5th paper above, the Hon'ble Tribunal disposed of the O.A. with a direction to the first Respondent Government to consider and pass orders on Annexure A4 representation. The 1st Respondent is also directed to consider whether a transfer is required in the circumstances explained by the applicant and

directed to issue orders within a period of three weeks from the date of receipt of a copy of the order and till such time the applicant should be allowed to continue at Chavakkad.

4) In the Annexure A4 representation, Dr.S.Vineetha stated that in the transfer order it is mentioned that the transfer is made to facilitate an enquiry going on against her in the General Hospital, Thrissur. The enquiry is based on a complaint made against her related to intrauterine fetal death of Smt.Reneesha Jayesh, who underwent treatment at General Hospital, Thrissur. An enquiry was conducted by a Medical Board headed by District Medical Officer, Thrissur and it is stated in the representation that the Medical Board has come to a conclusive finding that there was absolutely no medical negligence on her part and in the light of the finding of the Medical Board, the Police authorities did not register any FIR notwithstanding the complaint made by the patient. It is alleged that the present transfer from Chavakkad to Tirur, that is two transfers within a short period of 6 months based on a baseless complaint of a patient cannot be justified. Moreover, the Medical Board headed by the District Medical Officer, Thrissur is reported to have come to a finding that there is no medical negligence on her part. In the above circumstances, her present transfer from Chavakkad be cancelled and request to permit her to continue in the Taluk Hospital, Chavakkad as the present transfer is highly oppressive as far as she is considered.

5) Government have examined the matter in detail. In her representation, Dr.Vineetha stated that within 6 months she has been transferred to two stations ie., Taluk Head Quarters Hospital, Chavakkad and District Hospital, Thirur. But the fact is that her transfer to Taluk Head Quarters Hospital, Chavakkad was effected on the basis of General Transfer Order and not by any punishment. Even though, the incident

was occurred at General Hospital, Thrissur and Dr.Vineetha already changed her station to Taluk Head Quarters Hospital, Chavakkad through General Transfer order, it is essential for the investigation to keep her away from Thrissur District because in the preliminary enquiry the Additional Director of Health Services (Vigilance) raised a suspicion of unholy nexus between the Scan Centre and the Medical Officer. Dr.Vineetha mentioned about the report of a Medical Board in her representation. Even though the said report justifies the Medical Officer saying that no medical negligence had occurred from the part of the Medical Officer, the report itself clarifies that necessary corrections were made in the original scan report as demanded by the Medical Officer and it is also suspicious that no documentation about the baby was recorded in the doctor's notes. Hence, Government feels that the order transferring Dr. Vineetha to the District Hospital, Thirur, Malappuram does not need to be reconsidered as allowing her to remain in Thrissur District, which will affect further investigation. The said transfer is purely on administrative grounds and as per para 3 of GO(P) No 3/2017/P&ARD Dated 25/2/2017. Government can transfer an employee at any time on public interest. In the circumstances, Annexure A4 representation of Dr.Vineetha is hereby rejected and the judgment dated 21.11.2022 in OA (EKM) 1719/2022 of the Hon'ble Tribunal is thus complied with accordingly.

(By order of the Governor)
SREEJITH V P
JOINT SECRETARY

To:

The Advocate General, Ernakulam (with C/L).
The Director of Health Services, Thiruvananthapuram.
The District Medical Officer (Health) Thrissur / Malappuram.

Dr.Vineetha, Consultant (O&G), Susmrithi, Maruvancherry Lance,
Chakkamukku, Poonkunnam P.O., Thrissur - 680 002.
The Principal Accountant General (A&E/Audit),
Kerala, Thiruvananthapuram.
Stock File.


Forwarded /By order

Signed by R Renuka

Date: 07-01-2023 17:01:09
Section Officer

Enclt. No. EAI - 14734/2022/DHS, Dated 09-01-2023

Copy communicated for information and necessary
action.


For Director of Health Service