

(2004) 06 NCDRC CK 0100

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION**Case No:** None

JANGEER SINGH

APPELLANT

Vs

KOCHAR HOSPITAL And
RESEARCH CENTRE PVT. LTD.RESPONDENT

Date of Decision: June 23, 2004**Citation:** 2005 2 CPJ 223**Hon'ble Judges:** M.A.A.Khan , Sushma Tanwar J.**Final Decision:** Appeal allowed

Judgement

1. HEARD. Jangeer Singh, appellant was, at the relevant time in the employment of Education Department of the State Government on 25.1.1995 he met with an accident while riding on his motor cycle. He sustained injuries for the treatment of which he consulted the respondents. Dr. H.P.S. Kochar of Kochar Hospital and Research Centre Pvt. Ltd., Sriganaganagar accepted his proposal to render medical services to him for consideration. The appellant was, therefore, treated by Dr. Kochar during the period from 26.1.1995 to 25.4.1995. In order to resume his duty and claim, reimbursement of the expenses incurred by him on his treatment, he requested Dr. Kochar to issue to him a certificate for the period from 26.1.1995 to 25.4.1995, during which period he had been treated by him. Dr. Kochar however issued a certificate for the period from 26.1.1995 to 26.2.1995 only on the ground that he was competent to issue medical certificate to him for one month only. Alleging rendering of deficient services to him by the respondent, the appellant filed a complaint before the D.F. The D.F. held that since the certificate for the period exceeding one month could have been issued by the Medical Board, the respondent Dr. Kochar had not rendered deficient services to the appellant by not issuing a medical certificate for the period exceeding one month. The D.F. accordingly dismissed appellant's complaint. Hence this appeal by him.

2. THE learned Counsel for the appellant has rightly pointed out that once it had been proved as a fact that the appellant had been treated by Dr. Kochar, respondent No. 1 during the period from 26.1.95 to 25.4.95, the doctor should have issued a certificate for keeping the appellant under his treatment for that period. In this behalf the learned Counsel referred to the prescription slips as prepared by Dr. Kochar from time-to-time during the period of his treatment of the appellant.

It is gathered from the record of treatment as maintained by Dr. Kochar in respect of the treatment of the appellant that the appellant had been treated by him during the period from 26.1.1995 to 25.4.1995. This fact does not appear to have been disputed by the respondent also. His only explanation appears to be that since he was competent to issue a medical certificate to the appellant for the period from 26.1.1995 to 26.2.1995, he did not issue the certificate for the period during which he had treated the appellant. What is gathered from the copy of the letter of the Director brought on the record is that the doctor may issue a certificate for one month but in case a patient had been treated by him for a period exceeding one month then certainly such doctor may seek permission from the Medical Board to issue a certificate to the patient in that behalf. That may be an administrative instruction from the Director of the Medical and Health of the State Government but it does not deprive a patient of his right to get a certificate from the doctor, for the period during which he had been treated by him. It was for the doctor to have obtained the permission of higher authorities for issuing a certificate to a patient, who had been treated by such doctor for a period exceeding one month. In the present case since the appellant had admittedly been treated by Dr. Kochar during the period from 26.1.1995 to 25.4.1995, he should have issued a certificate for that period to the appellant who required such certificate to be produced in his department for obtaining leave/other facility from his employer. In our opinion since the respondent failed to issue the required certificate to the appellant for a period of 3 months he had rendered deficient services to him.

In the result, the impugned order is set aside and the appeal and complaint of the appellant allowed. Dr. Kochar, respondent No. 1 is directed to issue a certificate to the appellant certifying that the appellant had been under his treatment during the period from 26.1.1995 to 25.4.1995. The respondent may inform the Medical Board of his issuing such certificate to the appellant under the orders of this Commission. The respondent shall also pay a sum of Rs. 2,500/- as compensation for mental agony and cost of litigation to the appellant. The certificate shall be issued by the doctor to the appellant within a period of one month of the receipt of the copy of this order by him. Appeal allowed.