



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.12-Comp-189/2018-PMC

Mr. Syed Farrukh Bukhari Vs. Dr. Tahseen Ahmad Cheema

Professor Dr. Naqib Ullah Achakzai	Chairman
Professor Dr. Noshad Ahmad Shaikh	Member
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary
Expert of Orthopedic Surgery	

Present:

Mr. Syed Farrukh Bukhari	Complainant
Dr. Tahseen Ahmad Cheema (12782-P)	Respondent
Hearing dated	21.11.2022

I. FACTUAL BACKGROUND

1. Mr. Syed Farrukh Bukhari (the "Complainant") filed a Complaint on 05.06.2018 against Dr. Tahseen Ahmad Cheema (the "Respondent") working at National Orthopedics Hospital Bahawalpur (the "Hospital"). Brief facts of the Complaint are:

a) The Complainant developed pain in his left knee due to an old injury and got an MRI done from the Hospital on 10.09.2012 which showed damaged knee. After MRI of his left knee, the complainant

consulted the respondent, who advised him medicines and an operation of the left knee. The complainant didn't have pain or any problem associated to the right knee.

- b) *The operation was performed on 25.12.2015 by Respondent in the Hospital. After regaining consciousness post-operation, the complainant came to know that the Respondent conducted operation on both his knees while the complainant had only consented to the procedure on his left knee. Both the knees of the complainant had become swollen and he felt pain in walking, after the operation. The complainant further submitted that post procedure MRI revealed that there is fluid in both his knee joints and damage inside both joints.*
- c) *The complainant alleged that the respondent is guilty of professional negligence and this case be decided under the relevant law. He requested that license of Respondent be cancelled and he be stopped from doing knee surgeries.*

2. The Complainant also filed a complaint before the Punjab Healthcare Commission (PHC) against National Orthopedic Hospital, Bahawalpur. PHC decided the said complaint vide order dated 15.11.2017 and referred the matter of the Respondent doctor to the erstwhile PM&DC in the following terms;

“19 (a) The case of Dr. Tahseen Cheema is referred to PM&DC for operating both knees of the complainant without consent as consent had been taken for surgery of left knee only”

II. NOTICE TO RESPONDENT, DR. TAHSEEN AHMAD CHEEMA

3. In view of the allegations leveled in the complaint and reference received from the PHC, Notice dated 04.07.2018, 17.08.2018 (reminder), and 10.01.2019 (second reminder) along with copy of complaint was transmitted to the Respondent, directing him to submit his reply and record of the patient.

III. REPLY BY RESPONDENT, DR. TAHSEEN AHMAD CHEEMA

4. Respondent, Dr. Tahseen Ahmad Cheema submitted his reply in response to the Notice on 17.01.2019 wherein he stated that:

- a) Earlier the complainant approached to learned Consumer Court, Bahawalpur for same cause of action through which the learned Consumer Court directed the complainant to approach the Punjab Healthcare Commission vide order dated 30.05.2016. The said order has not been challenged by the complainant and the same attained finality.
- b) Thereafter, complainant filed a complaint before the Punjab Healthcare Commission. The Punjab Healthcare Commission vide order dated 15.11.2017 without any issuance of notice to my client, Respondent, decided the matter against him, ex-parte.
- c) Against the order dated 15.11.2017 my client filed an appeal before the District Judge, Bahawalpur, which was dismissed vide order dated 23.07.2018. Then, Respondent challenged this decision of the District Judge before the Hon'ble Lahore High Court, Bahawalpur Bench through WP No.7634/2018, which is still pending adjudication before the Hon'ble High Court.
- d) Again, the complainant has approached learned Consumer Court, Bahawalpur by filing another complaint which is still pending.
- e) During the pendency an interim order dated 29.10.2018 has been issued by the learned Consumer Court, which has been challenged by the Respondent through F.A.O No.47/2018. The Hon'ble court vide order dated 20.11.2018, suspended the impugned order dated 29.10.2018.

IV. DISCIPLINARY COMMITTEE HEARING DATED 29.06.2019

5. The Case was placed before the Disciplinary Committee in its meeting held on 29.06.2019. The Respondent was not in attendance; however, his authorized representative appeared at the Hearing; who wasn't able to respond adequately. The Disciplinary Committee made the following recommendations:

"The committee recommended for interim suspension of registration status of the respondent till he appears before the DC meeting.

The committee also directed the respondent to pay the cost of travel or other miscellaneous expenses that have been incurred by the complainant during his travel from Faisalabad to Lahore.

Furthermore, respondent is directed to send his availability to Registrar office PM&DC Secretariat for consideration by committee for his next date of hearing."

6. The said decision/recommendations of Disciplinary Committee were duly communicated to Respondent Dr. Tahseen Cheema.

V. HEARING

7. The matter was again fixed for hearing before the Disciplinary Committee on 21.11.2022. Notices dated 14.11.2022 were issued to the Complainant and Respondent doctor directing them to appear before the Disciplinary Committee on 21.11.2022.
8. On the date of hearing, the Complainant and the Respondent doctor were both present in person.

VI. EXPERT OPINION

9. A Consultant Orthopedic Surgeon was appointed as an Expert to assist the Disciplinary Committee in this matter. The Expert opined as under:

“The Surgeon operated on Rt wrong side without any consent. He planned to operate on Lft knee, which was also operated at the same time. This is a case of negligence not only by surgeon but also of anesthetist, staff nurse (O.T) and staff nurse of ward.”

VII. FINDINGS AND CONCLUSION

10. The Disciplinary Committee after perusal of the relevant record, submissions of the parties and the expert opinion in the instant complaint, has observed that the Respondent doctor accepted that he operated on both knees of the patient, arguing that this did not result in any damage to the knees of the patient.
11. Keeping in view the record, submissions of parties and the expert opinion the Disciplinary Committee decides to impose a Fine of Rs. 2,000,000/- (Rupees Two Million) upon the respondent Dr. Tahseen Cheema. Respondent Dr. Tahseen Cheema is directed to pay the amount of fine in the designated bank account of the Commission within fourteen (14) days from the issuance of this decision and forward a copy of the paid instrument to the office of the Secretary to the Disciplinary Committee. The Committee further decides to suspend the license of Respondent Dr. Tahseen Cheema (12782-P) for a period of one (01) year.



12. The instant complaint stands disposed of in the above terms.

Prof. Dr. Noshad Ahmad Shaikh

Member

Mr. Jawad Amin Khan

Member

Barrister Ch. Sultan Mansoor

Secretary

Prof. Dr. Naqib Ullah Achakzai

Chairman

21/11 ~~December~~, 2022