



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 8-1913/2021-DC/PMC

Dr. Hoshang S. Anklesaria vs Dr. Laraib Usman

Mr. Ali Raza	Chairman
Dr. Anis-ur- Rehman	Member
Dr. Asif Loya	Member

Present:

Dr. Dorab Anklesaria	Son of the Complainant
Hearing dated	10-12-2021

I. FACTUAL BACKGROUND

Complaint

1. Dr. Hoshang S. Anklesaria (hereinafter referred to as the “Complainant”) Chairman and Managing Trustee, Goolbanoo & Dr. Burjor Anklesaria Nursing Home, Karachi, filed a complaint on 29.12.2020 against Dr. Laraib Usman (hereinafter referred to as the “Respondent”) wherein he alleged that Respondent is illegally occupying the clinic under use of her late father at Goolbanoo

Decision of the Disciplinary Committee in the matter of Complaint No. PF.8-1913/2021

& Dr. Burjor Anklesaria Nursing Home and is practicing as ENT consultant in the said clinic without having requisite qualification, in violation of section 29 (2) of PMC Act, 2020. The Complainant requested to take strict action against Dr. Laraib Usman.

II. SHOW CAUSE NOTICE

2. In view of the allegations leveled in the complaint, show cause notice dated 17.03.2021 was served to Respondent in the following terms.

4. **WHEREAS**, in terms of the complaint it has been alleged that, upon demise of your father i.e. Dr. Muhammad Usman on 17.10.2020 (who had been carrying on his clinic in Room No. 28-A, Ground Floor at Goolbanoo & Dr. Burjor Anklesaria Nursing Home, ANH as ENT consultant/ Surgeon) the administration of M/s Goolbanoo & Dr. Burjor Anklesaria Nursing Home through its letter dated 29.10.2020 requested you to take away belongings of deceased and handover the keys of the clinic to hospital administration. Whereas, in response to their letter, you allegedly along with your cousin Dr. Naseer A Hannan S/o Dr. Abdul Hannan, instead of handling over the keys of the said clinic started to pressurize the management to allow you to practice at the same clinic; and
5. **WHEREAS**, you have knowingly concealed the fact that mere on the basis of MBBS, you are practicing as an ENT consultant which is prima facie violation of Section 29 (2) of PMC Act, 2020;

III. REPLY TO SHOW CAUSE NOTICE

3. The Respondent Dr. Laraib Usman submitted her reply on 15.06.2021 wherein she stated that:-

- a. Entire allegations leveled in the notice under reply are specifically denied and the complaint filed by Dr. Hoshan S. Anklesaria is totally false & baseless. The Complainant intends to usurp the clinic premises, which was let out to my father (since deceased) and on account of commission of wrongful acts, I have already filed Civil Suit against the Complainant pending adjudication before the Honorable Sindh High Court Karachi. It is totally false that I have violated any rule or directions of the Commission.
- b. The allegations leveled by the Complainant are totally false & baseless. To protect the possession and valuable lying in the premises, often I used to visit there. Dr. Naseer is my real cousin and allegations leveled against him by the Complainant are totally false. It is totally false that I ever advanced any threat to the Complainant; rather the Complainant and his security guards are constantly advancing threats to me and making efforts to dispossess me from valuable property.
- c. The Complainant with ulterior motive is making false complaints before all the forums including PMC to harass & pressurize me for vacation of the demised premises.

IV. REJOINDER OF THE COMPLAINANT

4. The reply submitted by the Respondent doctor was forwarded to the Complainant for rejoinder on 09.07.2021. The Complainant Dr. Hoshang S. Anklesaria submitted in his rejoinder on 29.07.2021 wherein he stated that:
- a. The entire reply of Dr. Laraib Usman, is a twisting and misleading statement with intention to put curtain upon her illegal and unauthorized act to keep continue her practice in the said Clinic being unqualified consultant,
 - b. Suit No. 1999/2020 regarding unlawful occupancy of the said Clinic by Dr. Laraib is pending in High Court. Our complaint to PMC, is not for restoration of possession of the said Clinic but against the Respondent for her unlawful practice as unqualified consultant. In the entire reply Dr. Laraib intentionally failed, neglected and avoided to reply that in what capacity she can practice as consultant in the said Clinic.

HEARING

5. After completion of codal formalities the matter was fixed for hearing on 10.12.2021. Notices dated 29.11.2021 were issued to Dr. Hoshang S. Anklesaria and Respondent Dr. Laraib Usman directing them to appear before the Disciplinary Committee on 10.12.2021. The Complainant on 02.12.2021 through email submitted an application wherein he requested to attend the hearing through online facility i.e. zoom. Through the same letter the Complainant authorized his real son Dr. Dorab Hoshang Anklesaria to attend the meeting in person on his behalf. The request of the Complainant was considered and acceded to by the Disciplinary Committee.
6. On 10.12.2021, Dr. Dorab Hoshang Anklesaria, son of the Complainant attended the hearing in person on behalf of the Complainant. However, Respondent Dr. Laraib Usman remained absent despite notice.
7. Dr. Dorab Hoshang submitted that his father due to old age and multiple health issues was unable to attend the hearing in person. He has been duly authorized by his father to appear before Disciplinary Committee of Pakistan Medical Commission to attend proceedings of the instant case.

He submitted that his father is the Chairman and Managing Trustee, of Goolbanoo & Dr. Burjor Anklesaria Nursing Home, Karachi, where late Dr. Muhammad Usman father of Respondent Dr. Laraib Usman had been carrying on his clinic in Room No. 28-A, as ENT consultant/ Surgeon. After death of Dr. Muhammad Usman on 17.10.2020, the administration of Goolbanoo & Dr. Burjor Anklesaria Nursing Home through its letter dated 29.10.2020 requested Respondent Dr. Laraib Usman to take away belongings of the deceased and handover the keys of the clinic to hospital administration but she failed to do so and instead she along with her cousin Dr. Hannan Naseer started practice at the said clinic as ENT consultant. Dr. Dorab further submitted that Respondent Dr. Laraib Usman is practicing as ENT consultant at Goolbanoo & Dr. Burjor Anklesaria Nursing Home, Karachi without requisite qualifications.

8. Dr. Dorab was asked by the Committete to establish the allegation against Respondent Dr. Laraib that she is practicing as ENT specialist. In response Dr. Dorab referred to two prescription letters dated 17.01.2021 and 20.01.2021, wherein name of Dr. Muhammad Usman father of Respondent Dr. Laraib is printed at the top. Dr. Dorab claimed that these prescriptions have been written in January 2021 by Dr. Lariab whereas Dr. Muhammad Usman died in October 2020.
9. Responding to another question, Dr. Dorab submitted that, the premises of clinic was rented out to late Professor Dr. Muhammad Usman. He further submitted that Civil Suit No. 1999/2020 filed by Dr. Laraib Usman against Goolbanoo & Dr. Burjor Anklesaria Nursing Charitable Trust is pending adjudication before the Honorable Sindh High Court, Karachi.

FINDINGS AND CONCLUSION

10. After perusal of record and statement of son of the Complainant it is noted that father of Respondent Dr. Laraib Usman namely Professor Dr. Muhammad Usman was practicing as ENT consultant at Room No. 28-A, as ENT consultant/ Surgeon. After death of Dr. Muhammad Usman on 17.10.2020, the administration of Goolbanoo & Dr. Burjor Anklesaria Nursing Home through its letter dated 29.10.2020 requested Respondent Dr. Laraib Usman to take away belongings of deceased and handover the keys of the clinic to hospital administration, however she did not vacat and handed over the clinic to the hospital adminsitartion. A Civil Suit No. 1999/2020 has been filed by Dr. Laraib Usman against Goolbanoo & Dr. Burjor Anklesaria

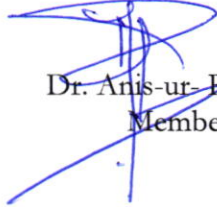
Nursing Charitable Trust which is pending adjudication before the Hon'ble Sindh High Court, Karachi. The Hon'ble Sindh High Court in its order dated 08.11.2021, inter alia observed as under:

“Learned Counsel for the defendant while inviting attention of this court towards the decision of Sindh Healthcare Commission attached with the additional affidavit to the counter affidavit in CMA No. 14200/2020, submits that the Sindh Healthcare Commission in its decision has categorically held that plaintiff holds MBBS Degree and does not have any Postgraduate Qualification as such she is not eligible for the practice at the said clinic which is assigned only to Consultants. He further submits that despite the above said decision the plaintiff is continuously operating consultancy clinic at the subject premises and as such she may be restrained from doing so.”

11. The Committee observes that through the above quoted statement regarding qualifications of the Respondent the Complainant has persuaded the Hon'ble Sindh High Court to consider the case for eviction of tenancy. It is pertinent to mention here that the privileges of a medical practitioner are to be decided based on the requisite qualifications of the practitioner and whether such privileges have been misused by the practitioner.
12. Possession of the clinic by Dr. Laraib is a tenancy matter which needs to be dealt with under the relevant law and before the competent forum. Therefore, the proceedings before the Disciplinary Committee will be restricted only to the allegation of misconduct of the Respondent doctor that she has been practicing as an ENT specialist without requisite qualification and skills.
13. In support of his contention the Complainant has produced two prescriptions in the name of late Professor Dr. Muhammad Usman. The said prescription were written on 17.01.2021 and 20.01.2021. From the available prescriptions it is obvious that someone is using the prescription pad of late Professor Dr. Muhammad Usman. Pertinently the signatures on both the prescriptions are different.
14. The Committee observes that as per registration record of Pakistan Medical Commission Dr. Laraib is registered under registration No. 68563-S. and she only holds an MBBS qualification and is hence credentialed to practice as a general practitioner as defined under the PMC Act 2020. However, as per CNIC of Dr. Laraib available on record before the Committee her signature does not match the signatures on the prescription pad. Therefore, there is no evidence that has been brought on record by the Complainant to substantiate the allegation against Dr. Laraib for either



using her father's prescription or practising as an ENT specialist. Hence, the complaint is dismissed being without any basis and for lack of evidence.



Dr. Aris-ur-Rehman
Member



Dr. Asif Loya
Member



Muhammad Ali Raza
Chairman

31st January, 2022