



**BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION**

In the matter of

Complaint No. PF. 8-1843/2019-Legal-DC

Mr. Gulzar Ali Vs. Dr. Adnan Munir & Dr. Syed Sajjad Hussain

Professor Dr. Naqib Ullah Achakzai	Chairman
Professor Dr. Noshad Ahmad Shaikh	Member
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary
Dr. Zeeshan Qadeer	Expert (Urology)

*Present:*

Mr. Gulzar Ali	Complainant
Dr. Adnan Munir (32847-S)	Respondent No. 1
Mr. Mozam Habib Advocate	Counsel for Respondent No.2 Dr. Syed Sajjad
Date of Hearing	10.10.2022

**I. FACTUAL BACKGROUND**

1. Mr. Gulzar Ali (the "Complainant") filed a complaint on 15.07.2019 against Dr. Adnan Munir (the "Respondent No. 1"), Consultant Urologist and Dr. Syed Sajjad Husain (the "Respondent No. 2") working at Australian Concept Infertility Medical Center (ACIMC), Islamabad & Karachi. Brief facts of the complaint are that:

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- a) *The Complainant got his BIOPSY done from Lady Reading Hospital, Peshawar, which revealed that sperms are being produced however, the exit veins are blocked. He was referred to Fatima Memorial Hospital, Lahore, where he was operated successfully and sperm count was 3.5 mil/ml.*
- b) *Subsequently, Complainant was referred to ACIMC, Karachi for IVF procedure. There, Respondent No. 1 consulted him and told to avoid IVF procedure, being very costly and guided him, prescribing VARICOCELE operative procedure. Complainant relied on the prescription of Respondent No. 1 and gave consent. He was operated on and was given six months medicine course. However, afterwards, it was revealed in the tests that Complainant's sperm count had become zero.*
- c) *Complainant met Dr. Syed Sajjad Hussain (the "Respondent No. 2"), CEO of ACIMC, who prescribed him medicines for three more months. Afterwards, in (PESA, TESA) FSH BIOPSY tests, it transpired that the sperm count is still zero and the creation mechanism of sperm has been finished, now resulting in no production at all.*
- d) *The Complainant prayed that his corrective treatment be ordered on costs borne by Respondent No. 1 and No. 2, at a reputable Hospital.*

## **II. NOTICES TO RESPONDENTS, DR. ADNAN MUNIR & DR. SYED SAJJAD HUSSAIN**

2. In view of the allegations leveled in the Complaint, Notices dated 18.07.2019 were issued to Respondent No. 1 and Respondent No. 2 directing them to submit their comments, record of the patient alongwith their registration certificates.

## **III. REPLY OF RESPONDENT NO.1 DR. ADNAN MUNIR**

3. The Respondent No.1, Dr. Adnan Munir submitted his reply to the Notice on 02.08.2019 wherein he submitted that:
  - a) *Complainant consulted the Respondent No. 1 in January 2017 for primary infertility. Complainant has past history of broken spine and erectile dysfunction since 2002. Further, Complainant previously underwent 'bilateral vasopididymostomy' at Fatima Memorial Hospital in 2015.*
  - b) *Clinical examination revealed large left Varicocele (grade III) and semen analysis report showed severe Oligo-Asthenozoospermia. Previous report from AKU, Karachi in 2010 showed 'azoospermia'*

and another report in January 2017 revealed 'leukocytospermia'. I advised Complainant 'Ultrasound Doppler' test from the best reputed ultra-sound clinic in Karachi.

- c) Complainant had abnormal sperm parameters and the couple has known infertility. I didn't suggest IVF because of poor morphology and zero mortality. Complainant was counseled regarding Varicocele surgery and procedure was performed on 31.01.2017, after getting informed consent.
- d) Retroperitoneal high ligation was performed as per my practice, as it does not cause direct harm to the testis and the incision is higher and away from the reproductive organ and no single case is available in medical literature where unilateral high ligation operation causes azoospermia.
- e) The post-op recovery was uneventful. Complainant visited after suggested 06 months and was advised multivitamins and antiestrogen and inj. IVF for 06 weeks to improve semen analysis and erectile dysfunction. Afterwards, Complainant was treated at the Islamabad Center.
- f) I treated Complainant ethically and professionally, however, there are many reasons for azoospermia including long standing varicocele, fibrosis of tubules and testis due to post inflammatory changes and infection secondary to bilateral vasoepididymostomy. Despite incorrect complaint, he is available to assist the Complainant.

#### IV. REPLY OF RESPONDENT NO. 2, DR. SYED SAJJAD HUSSAIN

4. The Respondent No. 2, Dr. Syed Sajjad Hussain submitted his reply to the Notice on 02.08.2019 wherein he contended that:

- a) Allegation of Complainant that his sperm count fell from 3.5 mil/ml to zero, due to wrong surgery and medicine, is inconceivable and his self-conceived inference. Complainant had severe oligo-tetrazoospermic semen report and was referred to Dr. Adnan to improve quality of sperms and maximize chances of IVF. Even before the operation, on 24.01.2017, tests showed severe 'oligo-tetrazoospermic' report, common in patients with chronic infection of urethra and testis. Complainant also had history of spinal cord fracture and erectile dysfunction.
- b) Complainant, met me in Karachi, agitated adamant to accuse Dr. Adnan of wrong surgery, but I positively counselled him. Subsequently, Complainant met me in Islamabad, threatening legal action, but I did not order his 'PESATESA, FSH, BIOPSY' tests. Instead, he was referred to Dr. Kbayal Yousafzai, consultant urologist, for further management.
- c) The cost of VARICOCEL surgery is Rs. 41,000/- (all inclusive) whereas, the cost of TESA, PESA surgery is Rs. 35,000 (all inclusive) at the clinic. Therefore, the claim of Complainant amounting to Rs.

*600,000/- is false. Moreover, the advance payment of the Complainant amounting to Rs. 85,000/- is available with the Clinic, which was offered to Complainant but he refused, threatening for legal action.*

- d) Despite these allegations, I think there is clinical hope for the Complainant and without guaranteed success, he can avail microsurgical procedure, without cost, at the clinic.*

## **V. REJOINDER OF THE COMPLAINANT**

5. Replies received from the Respondent doctors were forwarded to Complainant through a letter dated 08.08.2019 for his rejoinder.
6. Complainant submitted his rejoinder on 13.09.2019, wherein he conveyed his dissatisfaction to the reply(s) of both Respondents. Further, Complainant requested that the case should be presented before the Disciplinary Committee.

## **VI. HEARING**

7. The matter was fixed for hearing before the Disciplinary Committee on 10.10.2022. Notices dated 27.09.2022 were issued to the Complainant, Respondent Dr. Adnan Munir and Respondent Dr. Sayed Sajjad Ali directing them to appear before the Disciplinary Committee on 10.10.2022.
8. On the said date the Complainant and Respondent Dr. Adnan Munir appeared in person. The counsel for the Respondent No. 2 Mr. Mozam Habib Advocate apprised the Committee that detailed reply has already been submitted by the Respondent No. 2. The learned counsel further stated that the complaint was mainly against Respondent Dr. Adnan Munir.
9. The Committee asked the Complainant to briefly state his grievance, the Complainant stated that he has given complete account of events in his complaint. He further stated that as per biopsy performed after his successful operation at Fatima Memorial Hospital Lahore his sperm count was 3.5 million. Doctors at Fatima Memorial Hospital recommended IVF procedure as course of further treatment. He further stated that he consulted Dr. Adnan Munir in January 2017 for IVF but Dr. Adnan counselled and convinced him for Varicocele procedure instead of IVF. The

Complainant further stated that the procedure was performed by the Respondent but after that his sperm count dropped to zero.

10. The Committee enquired the Respondent Dr. Adnan Munir about the management of the patient to which he stated that the patient is a known case of infertility for 15 years. He had a testicle biopsy in Peshawar in 2015 which showed presence of sperms. Subsequently he had another biopsy at Lahore which also showed presence of sperms. The patient underwent bilateral Vasoeppididymostmy later on.
11. The Respondent further submitted that the Complainant consulted him in 2017 and he advised two tests for sperms. First test showed sever Oligo Astheno teratozospemia. Second report also showed no motality. He also advised the Complainant ultra sound which showed Varicocele Grade III. There was definitive indication of Varicocele surgery in this case. In view of reports, patient was advised Varicocele surgery instead of IVF. After obtaining consent, surgery was performed on 31.01.2017. His post-surgery recovery was uneventful and he was advised to visit again in 3-6 months with Semen Analysis Report. The patient visited in August 2017 with Azospemia just like he had in 2010. The Respondent further stated that he advised him multivitamin and IVF injection to improve semen Analysis. After that he never visited again and reported to Australian Concept Infertility Branch in Islamabad.

## VII. EXPERT OPINION

12. Dr. Zeeshan Qadeer was appointed as expert to assist the Disciplinary Committee in the instant case. The said expert after going through record and asking necessary questions from the parties opined as under:

*“The zero sperm count (Azospemia) after varicocele surgery is highly unlikely and in this particular scenario, varicocele surgery was strongly indicated instead of IVF.*

*Because after the varicocele surgery when testicular biopsy was done, report revealed more than 90% of seminiferous tubules were atrophic. Varicocele surgery has nothing to do with this sequel.*

*In my opinion his drop in sperm count is associated with irreversible damage of varicocele (long standing) itself, not its surgery. There is no ethical issue found.”*

### VIII. FINDINGS AND CONCLUSION

13. The Disciplinary Committee after perusal of the record, opinion of expert and hearing the parties has observed that the main allegation of the complainant is that his sperm count has fallen to zero after Varicocele surgery performed by the Respondent Dr. Adnan Munir and Dr. Adnan Munir conducted Varicocele surgery instead of IVF procedure as advised by other consultants. The Committee has noted that the patient is a known case of infertility for the last 15 years. As per record he also had spine surgery in the past. Furthermore, reports attached with the complaint by the Complainant shows that he had abnormal sperm count prior to varicocele surgery performed by the Respondent.
14. The allegation that sperm count dropped after the varicocele surgery is not supported by evidence. Furthermore, the expert urologist has also in his opinion explained that the drop in sperm count is associated with varicocele (longstanding) itself, not the varicocele surgery.
15. Keeping in view the submissions of the parties, record produced by both the parties and the expert opinion we do not find any negligence on part of the Respondent Dr. Adnan Munir. As far as Dr. Syed Sajjad Hussain is concerned, we have gone through his written reply and heard his representative. Dr. Sajjad was not involved in the surgery of this patient and the patient met him after the surgery. Dr. Sajjad referred him to another consultant of the center namely Dr. Khayal Yousafzai., consultant urologist. We therefore do not find any negligence on his part as well.
16. The complaint stands disposed off in the above terms.



  
Prof. Dr. Noshad Ahmad Shaikh

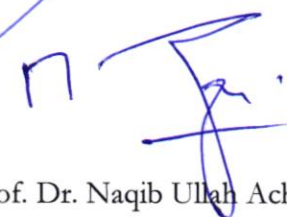
Member

  
Mr. Jawad Amin Khan

Member

  
Barrister Ch. Sultan Mansoor

Secretary

  
Prof. Dr. Naqib Ullah Achakzai

Chairman

27<sup>th</sup> October, 2022

