HARYANA RIGHT TO SERVICE COMMISSION
S.C.O. No. 38 & 39 (2nd FLOOR), SECTOR 17-A, CHANDIGARH-160017
E-mail: rtsc-hry@gov.in Telephone: 0172-2711050

ESTD. 2014 UNDER THE HARYANA RIGHT TO SERVICE ACT

No. HRTSC/SM-26/Health/ 1084 **Dated:**17**.03.2022**

To

Dr. Amarnath,
(in care of Director PGIMS Rohtak)
E-mail: directorpgims@gmail.com

Subject: - Regarding Suo-moto notice under section 17 of the Haryana Right to Service Act, 2014.

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I am directed to forward herewith a copy of the order dated 16.03.2022 passed by Sh. T.C. Gupta, Chief Commissioner, Haryana Right to Service Commission, Chandigarh in respect of above case for information and compliance.

BY THE ORDER OF THE HARYANA RIGHT TO SERVICE COMMISSION AT CHANDIGARH.

Encl: as above.

Haryana Right to Service Commission Estd. 2014 under HRTSA

(Sube Khan)
Under Secretary-cum-Registrar
For Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

CC

Director, PGIMS, Rohtak.

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Final Orders

[In respect of *suo moto* notice dated 14.02.2022 issued to Dr. Amarnath]

1. The Commission was informed by DC Rohtak vide E-mail dated 29.09.2021 that PGIMS Rohtak doesn't have a correct account of deaths that had occurred on account of Covid-19 and loss of files had been stated to be the reason for the same. Due to this, DC Rohtak had been flooded with the complaints regarding non-issuance of Death Certificates by the PGIMS Rohtak. He had also stated that matter had been taken up with Director PGIMS, Rohtak many a times, but no heed was being paid to the issue, nor birth and death certificates had been uploaded on SARAL Portal by the concerned. Taking cognizance of this issue as it is a **notified service at serial no. 24-Registration of Death & Birth certificate (After one year of event) after submission of complete application,** a *suo-moto* notice was issued to Director PGIMS Rohtak dated 01.10.2021 directing him to appear before the Commission on 11th October 2021.
2. Dr. RohtashYadav had appeared in person for the hearing on 11th October 2021 and had stated that delay in issuance of death certificate was due to COVID. He also stated that all the overdue cases of issuance of death certificates have been processed and files have been deposited. He further stated that in response to the *suo-moto* notice, he had constituted a committee to investigate the matter in depth and submit the report for fixing the responsibility.
3. Vide order dated 11.10.2021, Director PGIMS was advised to send the report of the said Committee to the Commission by 18.10.2021. Meanwhile Dr. RohtashYadav, Director PGIMS Rohtak retired and he was succeeded by Dr.Geeta as the Director PGIMS Rohtak. She sent a letter dated 24.10.2021 in which she stated that out of 125 death files whose registration was delayed, 107 belong to the COVID-19 period. Further, she stated that 16 cases are from the non COVID period; mostly pertaining to 2019.
4. After conducting detailed inquiry, Director, PGIMS was directed to provide the list of the doctors, residents and nursing sisters who were primarily responsible for deposition of the files and failed to do so in respect of deaths which occurred in 2019 along with their complete

address and email id's. With reference to this, requisite information was provided by the Director PGIMS Rohtak vide letter dated 18.11.2021.

5. A letter was also received from Dr. RohtashYadav dated 27.11.2022 in which he had stated that the treating doctors/ resident has to submit the report for registration of deaths and births to the office of Medical Superintendent, PGIMS, Rohtak for updating/ uploading of births and deaths registration. The Deputy Medical Superintendent Incharge (DMS) (Births & Deaths), PGIMS, Rohtak send these cases to the District Registrar-cum-Civil Surgeon (now CMO) for uploading the cases for registration of Births & Deaths on Saral Portal Haryana within the stipulated period as per provisions of the Act. In case the treating doctor/ Resident of concerned Department fails to submit the deaths & Births file/report for registration to the Medical Superintendent/ Registrar-cum-incharge DMS(Births& Deaths), PGIMS, Rohtak within specified period, registration is made after submitting an affidavit explaining the reason for delay in submitting report of birth and death cases.

6. Thereby, on perusal of the replies and reports submitted by the Directors it was ascertained that Dr. Amarnath is responsible for the excessive delay in disposing the death file of Diwan Singh(Father/Husband name-Phoolu, Date of death- 20.12.2019, CR No. 118454 Ward/Unit 10/NS) where death took place in 2019 till late 2021.A *suomoto* notice dated 14.02.2022 was issued to **Dr. Amarnath** for this act of omission leading to delay in delivery of notified service whereby the respondent was further directed to submit a reply in the matter by 28.02.2022, to assist the Commission to ascertain the reasons for delay in delivery of notified service beyond the prescribed timelines and further to decide whether any action for imposition of penalty /recommendation of departmental action is called for.

7. Accordingly, a reply dated 26.02.2022 was received in this regard from the respondent. In the reply, it was submitted that the responsibility to complete the procedure for registration of death is primarily of the resident doctor and that the Respondent being a treating doctor is not required to undertake this procedure for disposing of the death file of patient Diwan Singh with CR No. 118454. It is further stated that he was misguided by the Resident Doctors in the Department regarding the scheduled allocated duties on 20.12.2019 which is when the procedure for registration of the deceased patient Diwan Singh was to be initiated. It may be also noted that the respondent has made numerous unfounded allegations and claims against the Resident Doctors as well as the Head of Department, Neurosurgery. It was stated in the reply that due to this misinformation, he had submitted the affidavit required for late

registration of death in the Registrar office in July 2020. However, since the permission for delayed death registration was no longer provided in an offline mode and the system was not adept at that point in time for online registration, this file was pending for disposal.

8. I have carefully considered all facts and circumstances of the case and have given my thoughtful consideration to the reply submitted in this case.It is pertinent to note the disregard to responsibility displayed by Dr. Amarnath who despite being a senior treating doctor and Assistant Professor, Neurosurgery displayed slackness in disposal of the death registration files in his Department and that least amount of effort was employed to clarify and justify the misplaced file in the first place.However, due consideration is being given to the systemic deficiency pointed out by the Respondent in his reply because it is true that at that time, the facility for delayed registration without approval of the District/State Registrar was not allowed. Since, it was a solitary case where file had been misplaced, a lenient view is taken and the suo moto notice against Dr. Amarnath is hereby filed with directions to ensure that utmost care be taken in handling the such sensitive files for timely disposal of the same in compliance with Section 10 of the Registration of Births and Deaths Act, 1969 in future. However, I express my displeasure at the mismanagement of the files especially in Registration of Death and Birth cases wherein grave inconvenience and harassment is caused to the citizens in procuring death certificates pertaining to 2019 till 2021. The Commission had been very considerate in overlooking the delays in cases where deaths occurred in 2020/2021 but the Death Certificates were not issued till late 2021. However, it could not overlook the inordinate delay caused in cases where deaths had occurred in 2019 and the Death Certificates were not issued till intervention of the Commission in October, 2021. It is hoped that with the issuance of this *suo moto* notice and the resultant proceedings, the authorities of PGIMS Rohtak will be alive to this aspect and ensure timely action in future.

Haryana Right to Service Commission
Regd. 2014 under HRTSA

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(T.C. Gupta)
CC, HRTSC

Dated: 16th March, 2022