

Immediate

31/12/2022

Confidential

DD(A) For Court purpose & Needful action

Meeting of the Governing Council of the Rajiv Gandhi Super Speciality Hospital held on 26/12/2022

A meeting of the Governing Council (GC) of the Rajiv Gandhi Super Speciality Hospital (RGSSH) was held on 26/12/2022 at 04:30 PM under the Chairpersonship of Sh. Naresh Kumar, Chief Secretary, Delhi, which was attended by the following officers :-

- (i) Sh. Raajiv Yaduvanshi - Additional Chief Secretary (AR)
- (ii) Sh. Amit Singla - Secretary (Health)
- (iii) Ms. Niharika Rai - Secretary (Finance)
- (iv) Dr. Anil Aggarwal - MD GIPMER/ L.O Dean, MAMC
- (v) Dr. Subhash Giri - Director (RGSSH)

2 The agenda placed by the RGSSH w.r.t. Dr. Praveen Singh was discussed.

3 The GC observed the following in this regard:

- a. complaints against Dr. Praveen Singh placed in the file have receiving dates as 12.02.2022, 25.02.2022, 28.02.2022 and 03.03.2022,
- b. reference to such complaints could not be made prior to date of their receiving, however, the then DMS Dr. Namrata Makkar in her note dated 09.02.2022 (i.e. prior to date of receiving of such complaints) had made a reference to such non-existing complaints. In response to explanation sought from Dr. Namrata Makkar, DMS, she vide reply dated 08.12.2022 has submitted as under

"I was compelled to write such statement and was under pressure by Dr. Sanjay Aggarwal who threatens me that my contract shall be terminated by him if I do not follow his instruction blindly".

- c. also, Mrs. Deepa Sharma, the then dealing hand in response to explanation sought from her, *inter-alia*, about making modifications by hand in printed notings recorded by her, she vide reply dated 07.12.2022 has submitted as under:

"...

However, in the instant matter the recommendation for extension not recommended by Clinical Head. It is submitted that these lines were added on the behest of then Director Dr. Sanjay Aggarwal. Here it may be noted that I am a outsource ICSIL employee and then Director called me in his office and told me to add these lines in his office itself. Since the added statement does not change the meaning of the proposal, as it was a fact that extension may be recommended either by MS/Clinical Head as per format application of extension used in SSH and in instant matter of Dr. Praveen Singh, the then MS has clearly recommended the extension with remarks as mentioned below. "Work Conduct is very good. Extension may be granted"

- d. all such complaints dated 12.02.2022, 25.02.2022, 28.02.2022 and 03.03.2022 placed in file correspondence side bears page numbers subsequent to the page number given on the

Sanjay

Sh

termination order dated 09.03.2022, which prima-facie shows that such complaints were placed in file after issuance of termination order dated 09.03.2022;

- e. thus, the GC observed that decision dated 04.03.2022 of the then Hon'ble Minister (H&FW) to terminate services of Dr. Praveen Singh (on the basis of which termination order dated 09.03.2022 was issued) was obtained by then Director RGSSH Dr. Sanjay Aggarwal through misrepresentation of facts;
- f. meanwhile, unfortunate events of three deaths on 07.03.2022 happened in RGSSH, and one after other Committees were constituted to inquire into the said unfortunate events without waiting for the Committee in existence to submit its findings and without scheduling a meeting of the GC;
- g. that High-Level Expert Committee in its report dated 04.08.2022, which could not be concluded due to non-cooperation by Dr. Praveen Singh, has made adverse observations against Dr. Praveen Singh.

4 Further, officials of Health & Family Welfare Department, in their replies submitted pursuant to clarifications as asked by the GC during its last meeting, informed about need of termination of services of Dr. Praveen Singh as he was allowed to continue to work in RGSSH even after expiry of his contract on 28th February, 2022, and therefore, his service was terminated vide order dated 09th March, 2022. These replies show that decision to terminate services of Dr. Praveen Singh w.e.f. 09.03.2022 instead of non-renewal of his contract period beyond 28.02.2022 was a conscious decision taken by the Health and Family Department, GNCTD after considering that Dr. Praveen Singh was allowed to work in RGSSH beyond 28.02.2022 after expiry of his contract.

5 The GC was of the view that while Competent Authority to take decision w.r.t. continuation / termination of contractual services of Dr. Praveen Singh is the GC, however, the Competent Authority for examination of criminal misconduct would be Delhi Police, and Delhi Medical Council (DMC) would be the Competent Authority for examining professional misconduct in field of Medicine.

6 Considering all of the above, reports submitted by different Committees, opinions of the Services Department and Law Department in this matter, the various representations made by Dr. Praveen Singh, and also the replies / clarifications submitted by the then officials of RGSSH and H&FW Deptt. GNCTD, the GC decided as under:

- (i) as observations have been made by the High-Level Expert Committee against Dr. Praveen Singh in its report dated 04.08.2022, and that the disciplinary matters are dealt as per the principles of "*preponderance of probability*" and not under "*proof beyond reasonable doubt*", therefore, the Committee decided to terminate services of Dr. Praveen Singh w.e.f. 09.03.2022. However, in case Dr. Praveen Singh gets a clearance both from Delhi Police and the DMC in the matter of three deaths, which took place in RGSSH on 07.03.2022, he may make a request to the GC for reconsideration of this decision;
- (ii) as the termination order dated 09.03.2022 of Dr. Praveen Singh was issued without giving one month's notice to him, therefore, one month salary in lieu of the said notice be

released to Dr. Praveen Singh by RGSSH as per the terms and condition of the appointment order, after deducting dues (if any) pending against him.

- (iii) Director (RGSSH) shall send all the enquiry reports and relevant records as well as replies / representations of Dr. Praveen Singh in this matter, within a weeks' time, to Delhi Police and DMC for taking appropriate action in this matter.

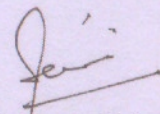
7 The GC also considered the explanation submitted by the then Director Dr. Sanjay Aggarwal and the serious allegations levelled against him by his subordinates as mentioned above, vis-à-vis the records as well as relevant provisions of Bye-Laws of the RGSSH, and found the reply of the then Director Dr. Sanjay Aggarwal 'not satisfactory'. Accordingly, the GC, after taking serious note of the above statements / allegations against the then Director Dr. Sanjay Aggarwal, directed as under:

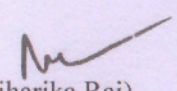
- (i) Director (RGSSH), through Department of Health & Family Welfare GNCTD, shall refer this whole matter within a weeks' time for a detailed enquiry by Directorate of Vigilance, Govt. of NCT of Delhi;
- (ii) since the allegations levelled against Dr. Sanjay Aggarwal, the then Director (RGSSH), are of serious in nature, including allegations of coercing his subordinates and obtaining orders of the then Hon'ble Minister (H&FW) by misrepresenting the facts, therefore, GC recommends that Dr. Sanjay Aggarwal be placed under suspension and that this recommendation of the GC be placed before the Disciplinary Authority of Dr. Sanjay Aggarwal viz. Hon'ble Lt. Governor for his consideration.

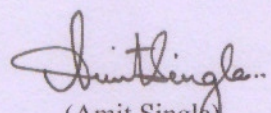
8 The GC further directed the Director RGSSH to apprise the Hon'ble High Court of Delhi about the additional facts brought on record in this matter by way of filing of an additional affidavit, well before the next date of hearing scheduled on 16.01.2023, with a prayer to dismiss the Writ Petition (Civil) No. 4349 of 2022 filed by Dr. Praveen Singh.

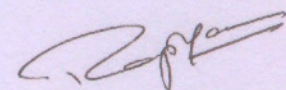
9 The meeting ended with vote of thanks to the Chair.

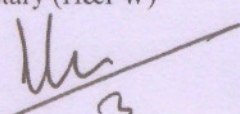

(Dr. Anil Aggarwal)
L.O Dean, MAMC


(Dr. Subhash Giri)
Director (RGSSH)


(Ms. Niharika Rai)
Secretary (Finance)


(Amit Singla)
Secretary (H&FW)


(Raajiv Yaduvanshi)
Additional Chief
Secretary (AR)


(Naresh Kumar)
Chief Secretary, Delhi