



INDIRA GANDHI INSTITUTE OF MEDICAL SCIENCES: SHEIKHPURA: PATNA -14
MINUTES OF THE 101st MEETING OF BOARD OF GOVERNORS HELD ON 28-08-2018 AT
11.30 AM IN THE DIRECTOR'S BOARD ROOM, MEDICAL COLLEGE BUILDING, IGIMS, PATNA.

The following members were present:

1. Sri Mangal Pandey - Chairman
Hon'ble Minister, Health,
Govt. of Bihar.
2. Sri Sanjay Kumar, IAS - Member
Principal Secretary,
Department of Health,
Govt. of Bihar, Patna.
3. Sri Manoj Kumar Verma - Member
Joint Secretary,
Department of Finance,
Govt. of Bihar, Patna.
(Representative of Principal
Secretary, Deptt. of Finance)
4. Dr. R. D. Ranjan, - Member
Director-in-Chief,
Health Services,
Govt. of Bihar, Patna.
5. Dr. N. R. Biswas - Member Secretary
Director,
IGIMS, Patna.
6. Dr. Sunil Kumar Singh - Member
Director- Sanjeevani Eye Hospital,
18 IAS Colony,
Kidwaipuri,
Patna – 800001.
7. Dr. Amar Kant Jha Amar - Member
Ex- Principal,
Patna Medical College,
Patna.
8. Dr. Harendra Kumar, - Member
Incharge Director,
Indira Gandhi Institute of Cardiology,
Patna.
9. Dr. (Prof.) Shiv Kumari Prasad - Member
Vishal Nursing Home,
K- 123, P C Colony,
Hanuman Nager, Kankarbag,
PO.- Lohiya Nagar, Patna - 800020
10. Dr. Ajit Gupta - Member
Professor,
Department of Anaesthesiology



11. IGIMS, Patna.
Dr. V. M. Dayal - Member
Professor,
Department of Gastroenterology,
IGIMS, Patna.
12. Dr. Lalit Mohan - Member
Additional Professor,
Depart of Pharmacology,
IGIMS, Patna.
13. Dr. Jiut Ram Keshari - Member
Associate Professor,
Department of Biochemistry,
IGIMS, Patna.

Leave of absence

1. Sri Tejashwi Prasad Yadav
Leader of Opposition
Bihar Legislative Assembly
Bihar, Patna.
2. Dr. Ashok Kumar Yadav,
Dy. Director,
Medical Education,
Govt. of Bihar, Patna.
3. Dr. Shamsu Zzoha Ahsan,
Shibli Colony, New Karimganj, Gaya.
4. Dr. K. P. Sinha,
Kamla Sadan, Near Alpana Market,
Patliputra, Patna – 800013
5. Dr. Arjun Kumar Singh
Principal, Jawahar Lal Medical College,
Bhagalpur.

Item No. 101/1505:Confirmation of the minutes of 98th, 99th and 100th meetings of BOG.

Resolution: *Confirm.*

Item No. 101/1506

Action taken statements on the resolutions of 98th, 99th and 100th meetings are put before BOG for perusal. (Wherever is required).

Resolution: *Perused.*

Item No. 98/1485

Sub: Confirmation of the minutes of 97th meeting of BOG.

Biswas

Resolution: Confirmed with following observations.



Item No. 93/1412

Sub: Approval for paid clinic (Evening) in IGIMS to prevent the in house Doctors from Private Practice & to utilize their maximum capabilities in favour of Institute as well as enhancing the patient care facilities.

Resolution: A Public Notice is to be published in News Papers with all details like Fax No. Mobile No. & Email of IGIMS authority to receive complains regarding Private Practice of IGIMS Doctors. Enquiry Report of five doctors of IGIMS, who were found indulging in Private Practice earlier, is to be placed in the next BOG.

Action taken: A Public Notice in this regard has already been advertised in two News Papers i.,e. "Prabhat Khabar" (Hindi) and "Hindustan Times (English).

This matter was also sent to Learned Advocate General, Bihar along with File No. 14/DC/2014 (Enquiry File) with all documents i.e. preliminary Enquiry Report dated 27-05-14 prepared by the Enquiry Committee constituted by The Department, Enquiry Report dated 23-04-2015 submitted by conducting/Inquiry officer appointed by the Institute who conducted departmental proceedings on the constituted allegation on private practice and Notes dated 05-05-14 of The Director, IGIMS sent to Principal Secretary, Health Department, Bihar. The Learned Advocate General, Bihar, on a bare perusal of entire factual matrix as referred has submitted his opinion on legality and propriety of initiated departmental proceeding and the gist of the legal opinion is that: "Not only there is lack of evidence in support of the said charges, now the same has become stale also.

Accordingly, I am of the view that since the charges leveled against the said 6 delinquent's doctors have not been established by adducing evidences and materials in support thereof, the proceeding is fit to be dropped". (Legal opinion dated 17-01-18 is attached for perusal of BOG, Page 36 -38).

Hence BOG would like to drop this matter as opined by the Learned Advocate General, Bihar.

Resolution: *Approved. An affidavit will be obtained from all faculty members of IGIMS that they will not indulge in Private Practice. They will submit an affidavit within one month from the date of intimation.*

2. Even after submission of affidavit, if anyone is found to be indulged in Private Practice, suitable administrative action will be taken against him.

Item No.97/1484(11)

Sub: Circular may be issued to all HODs of the Institute to prescribe drugs as available in AMRIT shop. It is to be ensured that in AMRIT shop, package system for various surgical procedures used at R.I.O. should be available.

Sharma

Resolution: Regarding package system for RIO for purchasing Lens and accessories, it is decided to follow the same pattern as it is practiced in AIIMS, New Delhi. Dr. Sunil Kumar Singh, Hon'ble Member, BOG will be an additional member of the Technical Specification Committee of the Institute and will help in preparing technical specifications of the required items (Lens and accessories) for R.I.O.

Action taken: Dr. Sunil Kumar Singh, Hon'ble Member, BOG, IGIMS, Patna has been notified as an additional member of Technical Specification Committee of the Institute for purpose of helping to prepare technical specification under package system for R.I.O. (Lens and accessories) vide office order no. 5478/Adm. dated 24-11-17

Resolution: *Approved as per AIIMS, New Delhi.*

Item No. 97/1484: Any other item with the approval of the Chairman, BOG.

Dr. Sunil Kumar Singh, Director, Sanjeevani Eye Hospital, Patna raised certain issues pertaining to the agenda items and decisions taken by BOG in the last meeting. Committee suggested Dr. Singh to give his complaint/reservations in writing so that the matter can be equred into and if required, necessary steps may be taken to implement the same.

Resolution: *Suitable reply will be given against question raised by Dr. Sunil Kumar Singh Hon'ble member of BOG, IGIMS, Patna.*

Item No. 98/1486

Sub: Action taken statement on the resolutions of 97th meeting is put before BOG for perusal. (Wherever required).

Resolution: Perused & Approved with following observations:-

Item No. 94/1419(15/03)

Sub: To peruse and approve the proceeding of the 32nd Executive Council meeting held on 26.12.2014.

Resolution: DAV School from IGIMS Campus must be vacated as per direction of Hon'ble High Court, Patna. The School administration if wishes may submit fresh application to Govt. of Bihar against the aforesaid decision of BOG.

Action taken: DAV Public School, IGIMS Campus along with Dy. Director, DAV School, North Bihar Zone, Patna – 13 and Regional Director, DAV Public School, Arya Samaj Mandir, Danapur were issued Letter No. 667/Adm. Dated 27-07-17 by the Institute and all said authorities were made known about the decision of Hon'ble Patna High Court and decision of BOG i.e. DAV School from IGIMS Campus must be vacated as per direction of Hon'ble High Court, Patna already taken by the Board under Res. No. 97/1470 (Action taken statement) item no, 94/1419 (Item no. 15/03) with strict instruction to vacate the school within 30 days and thereafter Institute retainer advocate has also served Legal Notice of vacation of school within fortnight vide his letter dated 28-06-17.

Again on decision of BOG under above resolution, Institute advocate in Civil Court was instructed vide letter 676/Adm. Dated 15-02-18 and letter no. 1291/Adm. Dated 03-04-18 to take all required steps to enable the below court concerned to get the order of delivery of possession of school premises receipted to the management of DAV Public School.

In the last resort the concerned authority of DAV Public School, IGIMS Campus had again been ordered by the Director, IGIMS to vacate the entire premises of school being run in the campus in view of decision of Hon'ble High Court, Patna in Civil Revision No. 118/2013 vide office order no. 1828/Adm. Dated 04-05-18.

Present status is that Management of DAV Public School has not vacated the school and DAV Trust and Management Society has filed Review application bearing Civil Review No. 75 of 2017 which is directed against the judgment/order dated 16-12-16 passed by Hon'ble Court in Civil Revision No. 118 of 2013 (DAV Trust and Management Society vrs IGIMS) by which the Civil Revision was dismissed. Its hearing was on 18-06-18 for which Institute retainer advocate Sri Sunil Kumar Singh (Advocate Patna High Court) was requested to prepare and file counter affidavit. Thereafter order by Hon'ble Court in Review application bearing Civil Review No. 75 of 2017 has been passed on 25-07-18 as under:

"I find no apparent error in the order. Accordingly, this civil review petition is dismissed".

Order received on 06-08-2018. Now Institute Advocate in Civil Court, Patna will be requested to take further action in this regard.

Resolution: *Approved.*

Item No.96/1462

Sub: For consideration and taking decision on interim extension of time up to November 2016 for completion of Medical College Building along with Boy's Hostel, Type D & E Residential Quarter and site Development work, IGIMS, Patna.

Resolution: Regarding progress of work of completion of Hostel, Medical College and Library by the Contractor, the Superintending Engineer apprised the committee members that the Hostel and Library will be completed by the end of October 2017.

Grace period for the completion of the Project may be allowed due to National Green Tribunal objection period and sand unavailability time.

It was decided by the BOG that the firm should complete the Project on priority basis. Further extension of time would attract penal provision as per contract and Hon'ble High Court order.

It was also decided to initiate the tendering process for construction of another 500 bedded Hospital soon.

B. S. Singh

Action taken: Again Hon'ble High Court Patna has extended time to complete the project work up to December 2018 in interim judgment of case no. 5711 of 2016. The work is going on and expected to complete in time.

As per the decision the work of 500 bedded hospital building the tender was floated vide Tender Notice No. 138/Civil & Elect/ E-Tender/2017-18. The tender committee after evaluation of obtained bids found no bidder technically qualified. Hence this tender was decided to be retendered. As per the decision this tender was again retendered vide Tender Notice No. 138/Civil & Elect/ E-Tender/2017-18. Bids obtained were evaluated and this time two bidders were found technically suitable. The lowest bidder was called for negotiation on its quoted rate, but in the meantime a complain was received and on opinion of Advocate General on received complain the BOG decided to reject this tender.

As per the decision this Re- Tender-Engg/138/C&E/E-Tender 2017-18 was cancelled and retendered vide NIT No. Engg/07/C&E/E-Tender 2018-19. As per the NIT schedule programme pre bid meeting was fixed on dated 25/06/2018. The questions raised by the participants were examined and after decision of tender committee some suggestions were incorporated and uploaded on e- tendering website.

As per the NIT schedule, the obtained tenders were to be opened on 12/07/2018 at 3.30 PM but in the meantime Hon'ble High Court Patna order was received in which the interim judgment and the direction given are as under:

This Court directs that the respondents may proceed with the tender for which tomorrow (10.07.2018) is the last date of submission of tender by the bidders, but no third party right should be created until further orders in the Case M/s. NPCC-PSK (JV) Vs IGIMS, Sheikhpura Patna vide Case No 12330/2018 (judgment attached, **Page - 39**).

In compliance of Court order & institute's advocate opinion the further process of tender is temporarily stopped till further order of Hon'ble High Court Patna.

Resolution: *Approved. Post facto approval on refund of Rs. 2.5 Crores to M/s CICO Patel, Patna accorded by BOG. In future prior approval from the Chairman, BOG should be taken for any such type of refund.*

Item No.98/1492:

Sub: To consider and decide the name of Enquiry Officer to conduct departmental proceeding against Dr. Rajesh Kumar Singh, Professor & present Head, RCC Department as requested by Health Department, Govt. of Bihar vide his letter no. 686(1) dated 22.06.17.

Resolution: Dr. Karuna Kumari, IAS, Joint Secretary, Health Department, Govt. of Bihar is nominated as Enquiry Officer to conduct departmental proceeding against Dr. Rajesh Kumar Singh, Professor & present Head, RCC Departmental proceeding is to be concluded within 6 months. Presenting Officer is to be nominated by Director, IGIMS, Patna.

Action taken:

(A) Dr. Karuna Kumari, IAS, (Joint Secretary, Health Department, Govt. of Bihar) has been appointed Inquiry Officer, to inquire into the charges framed against Dr. Rajesh Kumar Singh, Professor, RCC Department IGIMS vide order No. 5837/Adm dated 21-12-17 & all required documents i.e. Article of charges & documents listing

witness, Preliminary Inquiry, Report with its enclosures memorandum No. 5576/Adm dated 27-11-17 issued to Dr. Rajesh Kumar Singh, Professor, RCC Department & his reply vide his letter No. RCC/IGIMS/584/2017 dated 15-12-17 have also been sent to her as per Rule-14 of CCS(CCA) Rule 1965. A copy of this Order No. 5837/Adm dated 21-12-17 has also been sent to the Principal Secretary, Health Department, Govt. of Bihar & Dr. Rajesh Kumar Singh, Professor, RCC Department & Presenting Officer (Sri Ashutosh Singh, Administrative Officer, IGIMS) for their information about appointment of Dr. Karuna Kumari, Joint Secretary, Health Department as Inquiry Officer in the said matter.

- (B) Sri Ashutosh Singh, Administrative Officer, IGIMS, who has been nominated as Presenting Officer by the Director as per decision of BOG, has been appointed as Presenting Officer vide Order No. 5838/Adm dated 21-12-17 to present, on behalf of the Institute, the case in support of the articles of charges & he has been given all required/relevant papers. A copy of this order has also been sent to Dr. Karuna Kumari, IAS, Joint Secretary, Health Department (Inquiry Officer) & Dr. Rajesh Kumar Singh, Professor, RCC Department (Accused Officer) for their needful information.

On receipt of all papers by Dr. Karuna Kumari, IAS, Joint Secretary, Health Department (Inquiry Officer) she raised question that the article of Charges & its all annexure should be signed legally & should be in proper format where as framed article of charges were in accordance with format prescribed in CCS (CCA) Rule 1965 under Annexure I, II, III & IV & were signed by office dealing hand after approval of The Director.

However, on the question raised by Inquiry Officer (Dr. Karuna Kumari, IAS, Joint Secretary) letter No. 2227/Adm dated 31-05-18 has been sent to our retainer advocate (Sri Sunil Kumar Singh, Advocate Patna, High Court) to opine/advise on the matter which reply has come on 31-07-18 in which our advocate has opined that "In case of Group – A i.e. faculty post of professor of HOD, RCC Department of IGIMS, the competent authority to sign the articles of charges is appointing authority or authority higher in rank of Appointing Authority". Inquiry Officer will again be sent document for proper inquiry.

Since BOG is appointing authority in the case of Dr. Rajesh Kumar Singh, Professor, Radiotherapy, BOG would like to decide about the signing authority to enable to sign the charges as advised by our retainer advocate so that documents could again be sent to Inquiry Officer for its proper inquiry.

Resolution: Presenting Officer will sign all documents. Inquiry Officer may be requested to submit inquiry report within 60 days.

Item No.98/1493:

Sub: To take decision on request letter dated 16-08-17 of Dr. R.R. Prasad, Professor & Head Oncology (on leave).

Resolution: No further extension of leave to be granted. Dr. R.R. Prasad is to be informed to join the institute within 3 months, otherwise penalty of Rs.25 lakhs is to be recovered from him and he will be dismissed from the service of the institute. Legal opinion may also be sought for recovery of penalty.

Action taken: Dr. R. R. Prasad was informed about the decision of BOG vide letter No. 5207/Adm. Dated 07-11-2017 and was required to join within 3 months but Dr. Prasad replied vide his letter received on dated 27-01-2018 that he may join and resume his duty at the earliest and requested to remove the said conditions so that he could wind up his immediate assignment abroad by giving 90 days required notice. Thereafter Institute again informed him vide Institute's letter no. 692/Adm. dated 16-02-18 that he should join as soon as possible but not later than 30 days from the date of issue of that letter to avoid penalty amount and dismissal from the services. In between the correspondence he filled CWJC No. 4671/2018 in Patna High Court and Hon'ble Patna High Court passed an order on 19-03-18 which gist is as under:

"In view of the aforesaid undertaking given by the learned Senior Counsel on behalf of the petitioner, the orders passed by the respondent No. 1 dated 03-11-2017 and 10-02-2018 are stayed till further orders. It is made clear that in case, the petitioner does not join on or before expiry of 110 days from today, the petitioner shall be liable to deposit a sum of Rs. 1 crore before the respondent no. 1 forthwith.

List this case on 09-07-2018 at the top of the list.

In the meantime, it is directed that the respondents may file counter affidavit".

Now Dr. R. R. Prasad has joined the Institute on 02-07-18 and he is working presently. Institute has also filed counter affidavit against CWJC No. 4671/2018 filed by Dr. R. R. Prasad and hearing was done and again next date for hearing is on 31-08-18. Hence further matter is sub judice.

Resolution:BOG decided that Dr. R. R. Prasad, Professor & Head, Oncology (presently Chief of SCI) shall either deposit a sum of Rs. 5.00 Lacs (Rupees Five Lacs) or to serve for a minimum period of three years on return from date of resuming his duties at IGIMS as per earlier terms of submitted Indemnity Bond.

Item No. 99/1502

Any other item with the permission of the Chairman, BOG.

Item No. 99/1502

डा० (मेजर जेनरल सेवानिवृत्त) पी० एस० चौधरी, तत्कालीन निदेशक, इ०गा०आ०सं० के विरुद्ध जाँच जारी रखा जाय ।

Resolution:Advocate General, Bihar to whom concerned file of Dr. (Major General) P. S. Choudhary, Ex- Director of the Institute was sent for opinion may be requested to return that file.