

ORDER SHEET**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

Case No: WP NO.23796 OF 2009

Doctors Hospital, etc Versus The Govt. of Punjab, etc

Order/ Date	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary.
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1. 10.12.2009 Syed Ali Hassan, Advocate for the petitioner.
Mr. Shakeel-ur-Rehman Khan, Addl. Advocate
General.

Let a copy of this petition be handed over to the learned Addl. Advocate General, who shall seek instructions from the respondents. Respondent No.2 is also directed to appear in person on 18.12.2009, inter-alia to explain as to why pending the inquiry^{being L.} conducted by the Inquiry Committee constituted under the order of the Hon'ble Chief Justice of this Court, certain statements have been made by him, which tantamounts to cause a prejudice to such inquiry and interference in the matter.

CM NO.1/2009

Notice for 18.12.2009. In the meanwhile, the respondents are restrained from sealing the Hospital i.e Doctors Hospital.

IN THE LAHORE HIGH COURT, LAHORE

Next date of hearing 18-12-2009.

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W.P No. 23796 /2009

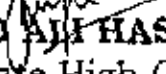
Doctors Hospital (Pvt.) Ltd. Vs. The Government of Punjab etc.

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Petitioner

Through


SYED AJI HASSAN
Advocate High Court
2-Mozang Road, Lahore
C.C PLH-16492

IN THE LAHORE HIGH COURT LAHORE

Writ Petition No. _____/2009

1. Doctors Hospital (Pvt) Limited, a company incorporated under the Companies Ordinance 1984, having its offices at Canal Bank Road, Johar Town, Lahore through its chief executive.
2. Dr. Faiza Asgher w/o Dr. Javed Asgher, r/o 237-A, Tufail Road, Lahore Cantt.

Petitioners

Versus

1. The Government of Punjab, through Chief Secretary, Civil Secretariat, Lahore
2. Mr. Nazar Muhammad Chohan, through Chief Minister's Secretariat, Lahore
3. Dr. Asad Ashraf through Chief Minister's Secretariat, Lahore
4. Dr. Mushtaque Ahmed Salarya through Chief Minister's Secretariat, Lahore

Respondents

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973, READ WITH THE CONTEMPT OF COURT ORDINANCE 2003.

It is respectfully submitted as under :

1. The Petitioner No. 1 is a company incorporated under the Companies Ordinance 1984 having its offices at the address noted above. The instant petition is being filed through its chief executive who is duly authorized by the board of directors of the Petitioner No. 1 (Annex A) and is fully conversant with the facts of the case to be able to depose in this behalf.
2. The Petitioner No. 2 is a citizen of Pakistan, and Member of the Provincial Assembly of the Punjab (representing Pakistan Muslim League, Quaid-e-Azam). She is also chairperson of the Bureau of Child

Protection and Welfare of the Government of Punjab (for which she is providing her services free of charge). The Petitioner No. 2 is an American Board certified Pediatrician, who however has not been actively practicing for the last three years or so (on account of her commitment to the Bureau of Child Protection and Welfare). She is also a shareholder in the Petitioner No. 1, but is not a director or officer of the Petitioner No. 1.

3. The Petitioner No. 1 was constituted to set up and operate a state of the art hospital in the city of Lahore. Its shareholders are mostly doctors of Pakistani origin, some of them settled in USA, who all contributed their savings in order to ensure top quality medical facilities to the citizens of Lahore and surrounding areas. Petitioner No. 1's hospital ('The Doctors Hospital Lahore') has been in operation since 2000, during which period it has quite literally treated thousands of patients to the best of its abilities.

4. It is also worth mentioning that The Doctors Hospital Lahore is acknowledged not just for its state of the art medical equipment, but also on account of the fact that Lahore's leading medical practitioners are associated with the hospital. The management of the hospital is careful to attract only the best practitioners, and that is the primary reason why the public reposes so much trust in the hospital.

5. Moreover, the Petitioners have taken great care to implement processes which minimize, as far as possible, risks generally associated with the provision of medical services. For instance, the incidence of mortality in heart bypass operations in The Doctors Hospital is far lower than other hospitals in the city. Having said that, this needs to be seen in the perspective that risk cannot be eliminated altogether, and cases of medical negligence do happen even in the best and most renowned hospitals in the world.

6. Unfortunately, one such incident occurred in The Doctors Hospital Lahore on 29 November 2009. The brief facts relating to this incident are as follows:

6.1 A three year old girl, Imanae Malik, was brought to the Emergency Room of the hospital in the early hours of the morning (the history sheet shows that she was attended to at

4.20 am) with a burn on her hand. She was in pain and irritable.

6.2 The patient was administered regular treatments/medicines for a burn of this nature, but she continued to suffer pain. The parents were naturally concerned and wanted more treatment.

6.3 Ultimately, request was made to the Pediatrics section for assistance. Dr. Sandeep Kumar came to attend the patient, and administered pavulon injection (which was a negligent act on the part of the doctor), which resulted in the death of the patient - notwithstanding efforts to revive her.

6.4 Incidentally, according to the duty chart, Dr. Sanaulah was on duty at the relevant time, and it stands established that he, without authorization, handed over charge to Dr. Sandeep Kumar, who is not an employee of the hospital. This was done in violation of the Hospital regulations, and without the knowledge of the management.

7. Needless to add, the administration of the hospital was shocked to learn of the aforesaid incident. It immediately constituted an inquiry committee comprising four of its leading practitioners from different relevant fields (namely Dr. Arshad Taqi, Consultant Anesthetist, Dr. Tariq Rafiq Khan, Consultant Pediatrician, Dr. Asad Jawad, Consultant General Surgeon and Dr. Kamran Chima, Consultant Pulmonologist), to investigate (specifically) whether the concerned doctor (Dr. Sandeep Kumar, regardless of his status in the hospital) was negligent in administering Pavulon injection to the child, which resulted in her tragic death. The inquiry committee reported that the doctor was guilty of "negligence, mishandling of the patient mentioned above, treatment not up to the mark and lack of knowledge in respect of drugs/medicines" and recommended "serious action" to be taken against him. Report of the inquiry committee is attached as Annex B.

8. In the meantime, the honorable Chief Justice of the Lahore High Court, as well as the Chief Minister Punjab, constituted separate inquiry commissions to investigate the incident - which had been reported in the national media (print as well as electronic).

9. The inquiry commission constituted by the honorable Chief Justice of the Lahore High Court comprises Dr. Memood Shoukat, Dr. Asad Ashraf and Dr. Capt. Shabbir. This commission had its first sitting in

10. The inquiry commission constituted by the Chief Minister Punjab comprises of Respondents 2, 3 and 4, with the Respondent No. 2 being its convener. (As the Petitioners do not have their addresses, they are being served through the Chief Minister's Secretariat.) The Chief Minister's inquiry commission contacted the hospital administration for a meeting - saying 'you can come to the meeting if you want to, don't come if you don't want to'. A meeting was held on 3 December 2009, during which the hospital administration fully cooperated with the commission. (so much so that even the adverse report issued by its own internal inquiry committee was at the very outset provided to the commission). However, it became abundantly clear from the very beginning that the Chief Minister's inquiry commission was on a frolic of its own, being more interested in using the opportunity to project itself in the public eye, than to investigate actual facts. Moreover, the bias of the Respondent No. 2 in particular was more than palpable. He even stated at one stage that his mother had died in The Doctors Hospital, and resented the fact that he was still asked to pay the bills. With this kind of bias, he should really have recused himself from the commission. Subsequent events (as noted below) would further highlight his intense bias and irresponsible attitude.

It may also be noted that while Respondent No. 3 came to the meeting on 3 December 2009 about 45 minutes late, the Respondent No. 4 missed more than half of the hearing!

The Petitioner No. 1 was represented in the meeting by its Administrator, who was accompanied by the Petitioner No. 2. The Petitioner No. 2 was asked by the Respondent No. 2 to introduce herself, whereupon she extended her visiting card. It is pertinent to mention this because the Respondent No. 2 (in his perverse logic) subsequently represented to electronic media that the Petitioner No. 2 thereby tried to intimidate/influence him. Recording of his interview would be available on You-tube, and otherwise. How the presentation of a visiting card, and that too on request for introduction, can possibly amount to intimidation/influence, is only for the Respondent No. 2 to explain!

11. In order to assist the Chief Minister's inquiry commission, particularly regarding any clarifications they required with respect to the internal investigation report (subsequent events would show that they never

even bothered to read the report), the hospital administration requested Dr. Kamran Chima (who was a member of the internal investigation committee) to offer any explanations the commission may have required concerning the report. During the brief conversation, the Respondent No. 2 made it clear to Dr. Kamran Chima at the very outset that he was going to get the hospital sealed, and that the Chief Minister and the High Commissioner of UK were fully aligned with the decision. Incidentally, he even found occasion to mention to Dr. Chima that he was in the process of selling the Governor House.

It is important to note that at no stage did Dr. Chima try to influence the decision of the commission – his only objective to make the call was to offer any clarification that the commission may seek. Dr. Chima's affidavit is attached as Annex C to this petition.

12. Though the Petitioners have not formally been provided a copy of the report issued by the Chief Ministers inquiry commission, they have learnt from the media and through the internet (placed on the website www.imanae.co.uk) that the report attached as Annex D ("Impugned Report") has been issued.

13. The Impugned Report suffers from myriad deficiencies, and is quite obviously prepared in a rush to hit the headlines, without any due appreciation of the delicate issues that were involved. Indeed, it is notable that even before the report was issued, the Respondent no. 2 had already become active with TV channels – a trend he intensified after the preparation of the report. This establishes that his motive from the very outset was none other than to use this opportunity for personal projection.

14. That the Impugned Report is highly superficial and unreasonable can be gathered, inter alia, from the following.

14.1 The Impugned Report notes as follows :

"At the onset, Committee was presented one report of internal enquiry conducted by the doctors working in the hospital. (F/C). In fact it does not have much significance as they are on the rolls, we know very well that, thousands of patients die every year from preventable errors that occur in hospitals, many physicians today are afraid to come forward to report problems in hospitals out of fear that their careers will

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be ended by a retaliatory action by the management. Fewer and fewer physicians are willing to risk their career and livelihood to protect patients in hospitals. It is easier and far safer for physicians to simply look the other way and remain silent. Hospital administrators frequently are more concerned about expanding their power and managing the hospital's business operations than improving patient care, and physicians who speak out for quality therein have become targets. So much so one of the Committee members (Dr. Kamran Cheema) spoke on phone to the Convener of the Committee for being favorable to Doctors Hospital management, a shame really."

Had the honorable committee even bothered to take a cursory look at the internal inquiry report, they would have noted that the report is in fact adverse, and not favorable. The internal inquiry report concludes in no uncertain terms that the incident arose on account of negligence and mishandling by the concerned doctor, and recommends serious action. Of course, as noted above, the Impugned Report also falsely suggests that Dr. Kamran Chima ever tried to influence the committee and/or the convener, in which respect Annex C may kindly be referred.

14.2 The Impugned Report then notes as follows :

"Lack of Capacity in the Hospital for treating patients, what to talk of emergencies. A part timer (Dr. Sundeep Kumar) was brought in for night emergency, as per managements written statement before the committee, who gave wrong injection, management still after 4 days of incident doesn't know who placed him in the hospital. Non availability of Ambulance and Ventilators also speaks volumes about insufficiency of crucial equipment required for medical services. They have admitted non availability of qualified staff."

This suffers from clear factual errors. While it is not disputed that the unfortunate incident resulted on account of gross negligence by Dr. Sundeep Kumar (who was not an employee of the hospital and had been requested by the actual duty doctor - Dr. Sanaulah - to take his place, without authorisation by the management) the other statements noted above are absolutely incorrect. For instance, not only does the hospital have duly qualified staff (and has certainly never admitted non-availability of such staff), but the hospital also has the services of 2 ambulances, and 25 ventilators, including two pediatric

ventilators (which incidentally is more than any other private hospital in Lahore). Of the two pediatric ventilators available with the hospital, one was under use by another patient, and the other required calibration.

14.3 The Impugned Report states :

"Total absence of any regulatory Mechanism/SOPs, from recruitment to check and balance/supervision of staff, to procedures catering to emergencies, like no policy regarding recruitment of locum, staff in emergency not well versed with knowledge of therapeutics, and management themselves admitted before the Committee to a question by the father of deceased 'why a small burn injury become the death scene of my daughter?' by saying 'mismanagement by the doctor, due to lack of experience about the drug Pavulon' is a classic example of fact there are no regulatory mechanisms'. This admission on their part reflects how unprofessionally a so called premier Medical Facility of Lahore is run. Another example, when Committee asked about the action against the doctors complained against, Management manufactured their suspensions and faxed to the Committee, the fakeness of them is obvious from their language and lack of substance."

While it may at all have been reasonable for the commission to conclude that the hospital procedures were deficient in certain respects (the hospital certainly does not claim to have attained perfection, and there is always room for improvement) - in which case though the commission should have pointed out those deficiencies and advised steps to rectify them, but to suggest that there is "total absence of any regulatory Mechanism/SOPs, from recruitment to check and balance/supervision of staff, to procedures catering to emergencies," is obviously senseless and malicious. The fact is that this incident took place on account of one particular doctor (and it is unfair to blame the entire hospital for that); moreover, SOPs are well defined and in place in The Doctors Hospital, and all staff is properly trained.

It also needs to be appreciated that unfortunate incidents of this kind happen in the best regulated hospitals all over the world - the reason being that ultimately, it is the doctor seeing the patient whose judgment has to be trusted, and he may at times make basic errors (as happened in this case). Of course, the doctor that committed this error was not an employee of

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the hospital (and the hospital could conveniently have disowned responsibility on this score alone); however the fact also is that the same doctor could have administered the same injection to a patient in Children's Hospital (where he is employed) with the same result. In fact he maintains that he has used this injection several times in the Children's Hospital. Be that as it may, to conclude from this admitted negligence by the doctor (coupled with deliberate misconduct by Dr. Sanallah who unauthorized and without the knowledge or approval of the management, put Dr. Kumar in his own place) that 'there are no regulatory mechanisms', is to take things too far. It needs to be noted that hospitals are entitled to trust doctors they appoint (after all they are not school kids) that they will comply with regulations issued by the hospital. If a doctor defiantly violates those regulations, it is a personal act of the doctor that does so, and it cannot be concluded from that that no regulations are in place.

One is also left wondering on what basis the Impugned Report concludes that : "Another example, when Committee asked about the action against the doctors complained against, Management manufactured their suspensions and faxed to the Committee, the fakeness of them is obvious from their language and lack of substance". This could only have been concluded by a highly biased committee. If anything, this proves that absolutely no care has been taken by the Committee to be remotely objective in its findings.

14.4 The Impugned Report concludes :

"There is no doubt as to massive criminal negligence/handling in the above case due to the following reasons:

a) The use of Intra Venus Dormicum 2.5 milligram was not required at all for such small burn.

b) Injection Pavulon is used for induction of Anaesthesia for those patients who are to be put on Ventilators during operations; it was criminal to use it in case of a 3 years kid suffering from simple burn. In fact this drug is used for relaxation of respiratory muscles; hence administration of this drug was not at all justified."

Now there is absolutely no cavil with this. The hospital's stated position is no different. The only question is, who is responsible for this massive negligence. In particular, can the Petitioners be held criminally liable for an act of the doctor (and that too a doctor they never appointed)? It is submitted that this would be contrary to reason and international precedents.

14.5 The Impugned Report then states :

"Absolute fraud/crime, in form of blatant contradictions/tampering of the record, like

a) in the inquiry report at F/C Dr. Sandeep Kumar is projected as Consultant Pediatrician whereas the General manager stated in writing that he was not on our permanent strength rather he was doing/performing duties for the first time. Further the management stated that they still are investigating who asked him to perform duties there, what a height of callousness and naivety on part of the management.

b) The record has also been found tampered, on the Emergency History sheet as well as the Hospital Enquiry report patients arrival time is reflected as 0420 hrs, whereas the Drug store sale Invoice no. 863773 dtd 29/11/09 shows the time for purchase of medicine as 0409, this shows the manufacturing of the record/emergency history sheet.

c) The Patient went in to respiratory arrest and CPR was initiated as per Hospital Enquiry report and the Treatment sheet, whereas the discharge slip of Hospital shows normal departure/discharge of the patient from the hospital with a routine medication, and mentioning diagnosis of 'very small superficial burn on left hand' What a fraud. There was no mention of shifting of the patient to the Children Complex Hospital in the discharge slip.

d) Further, in order to cover up the crime, after seeing straight ECG line on the monitor and stoppage of respiration, dead body was bundled to another hospital on the car of the deceased's father, without proper chart, shifting notes and accompanying a qualified doctor."

It is important to refute these baseless conclusions, which suffer from the following rather blatant defects :

- a. It needs to be noted that the internal investigation report of the hospital focuses only on the incident itself. While it does not say that Dr. Sandeep Kumar was an

employee of the hospital, it needs to be noted that it was in any case no part of the terms of reference of the investigation team to address this particular aspect. This aspect was being separately investigated by the hospital management.

Moreover, the Impugned Report wrongly states that the Petitioner No. 2 is the general manager of the hospital – in fact she is not. She is only a shareholder, and not even practicing in the hospital for the last three years.

- b. The Impugned Report draws an entirely irrational conclusion from the slight discrepancy in the time of arrival of the patient (which is manually recorded on the history sheet), in comparison to that on the receipt issued by the drug store. (It appears that immediately upon seeing the patient, and even before writing the history sheet, the parents may have been asked to get the required medicine, so as not to allow the bureaucratic process to delay the treatment, and that may account for the slight discrepancy in time. It is also of course possible that the time in the Drug Store computer may be incorrect.) The Impugned Report however concludes that this shows the record/emergency history sheet to be manufactured. If one looks at the record/emergency history sheet (which is attached Annex E) one would note that no advantage can possibly have been gained from the record/emergency history sheet provided to the commission.
- c. The Chief Minister's commission then displays its total lack of understanding of medical records, when it notes that "the discharge slip of Hospital shows normal departure/discharge of the patient from the hospital with a routine medication, and mentioning diagnosis of 'very small superficial burn on left hand' What a fraud". In fact, the observation 'very small superficial burn on left hand' is recorded on the opening page of the Emergency History Sheet, which then goes on to record subsequent developments/treatments as well.

- d. It appears that Dr. Sandeep Kumar, whose gross negligence caused the incident in the first place, because of his own affiliation with the Children's Hospital, advised immediate shifting of the patient to Children's Hospital.

14.6 The recommendations included in the Impugned Report are, if any thing, even less balanced :

"In view of the above, Committee is of a unanimous opinion that:

1. In the wake of massive fraud, criminal negligence hospital may immediately be stopped from functioning till the time it was fit for catering to medical facilities. It was strange that on finding adulteration in the food served by the restaurant, the particular restaurant is sealed but in case of hospital killing a human no such action is taken.
2. All other private hospitals also may be put to rigorous tests as to Regulations, Quality, and Standards by the Health Department Government of the Punjab, without further delay for the sake of posterity.
3. Immediate devising of regulations, external and internal for the Private/Public Hospitals
4. Criminal case of manslaughter be registered against Dr. Faiza Asghar Managing Director, Doctors hospital for confessing her commissions/omissions in her statements before the Committee, on her hand written note to the committee she stated that hospital has everything in order."

The following points may kindly be noted in this behalf:

1. While it is not disputed that the incident resulted from negligence of Dr. Kumar, it is not understood what 'massive fraud' has been committed. Also, there is absolutely no justification for sealing the hospital, where hundreds of patients are being treated every day, and a number of patients are even admitted in the hospital in critical condition and cannot be shifted without hazard to their well being. Clearly, the Impugned Report lacks any sense of balance in this regard.
2. It would have been best for the committee to have acquainted itself with practices and regulations in other hospitals, before commenting on those of The Doctors Hospital. No effort was made to ascertain these - indeed

had that been done, the committee would have noted that the regulations in The Doctors Hospital are far better than most hospitals in the country.

3. There is no cavil with the devising of appropriate regulations.
4. The Committee recommends that criminal case for manslaughter be registered against the Petitioner No. 2. (It wrongly assumes that she is the Managing Director of the Hospital - which she is not. In fact the Petitioner can only speculate that the Respondent No. 2, to whom she had presented her visiting card, misread that card to come to this absolutely incorrect conclusion. Her visiting card reads : "Dr. Faiza Asghar, M.D., D.A.B.P., F.A.A.P". The Respondent No. 2 is obviously not aware that M.D. here stands for Doctor of Medicine. It may also be noted that there is absolutely no mention on her card of The Doctors Hospital.

This Committee has recommended criminal action against Petitioner No. 2 allegedly on account of her "confessing her commissions/omissions in her statements before the Committee", which is absolutely false and denied. Indeed the Impugned Report itself records that "on her hand written note to the committee she stated that hospital has everything in order". In these circumstances, one fails to understand how the Petitioner No. 2 can at all be considered guilty of manslaughter, when she was not in the Emergency Room at the time of the incident (and for that matter was not even in the hospital), had nothing to do with the treatment of the patient and is not involved in the management of the Petitioner No. 1. She had only gone to the meeting of the Inquiry committee as a spokesperson for the hospital. Indeed, the Impugned Report is most unreasonable in this behalf.

- 14.7 Incidentally, it may be noted that the Chief Minister's Inquiry committee has been able to conclude the investigation and make its recommendations as aforesaid, without once visiting The Doctors Hospital. The only meeting that took place was outside the hospital.

15. The Impugned Report is absolutely illegal and devoid of all lawful authority, and liable as such to be set aside, on inter alia the following grounds.

GROUNDS

- a. The terms of reference, pursuant to which the Chief Minister inquiry commission proceeded to inquire into the matter, were never provided to the petitioners. As such the entire exercise is rendered without lawful authority.
- b. The Respondent No. 2's bias against the Petitioners was visible from the very outset, and naturally spilled over to the other members of the committee as well. Indeed the Respondent No. 2 left no doubt about it when he stated that his mother had died in Doctors Hospital and expressed resentment over the fact that he was asked to pay the bills. The suggestion being loud and clear that he was now intent upon teaching the petitioners a lesson. The report issued by such a biased committee can hold no weight at all.
- c. The Respondent No. 2's bias against the Petitioners, as also that of the other members of the committee, is also visible from the report itself, which makes outlandish suggestions regarding the petitioners - as discussed above. It is submitted that no reasonable or sensible committee could possibly have come up with such report as the Impugned Report.
- d. The Impugned Report is based on absolute lies, which have been mischievously and maliciously attributed by the Respondent No. 2 to Dr. Kamran Chima. Dr. Kamran Chima is a leading practitioner of Lahore (who is serving as the Professor of Pulmonary Medicine in Services Hospital Lahore, apart from being associated with The Doctors Hospital as well) and his affidavit that no such conversation as alleged by the Respondent No. 2 ever took place, is attached as Annex C.
- e. Most importantly, the Respondent No. 2, on account of an entirely irresponsible attitude (and apparently for no other reason than to seek cheap publicity), has prejudiced the inquiry yet to be concluded by the

commission constituted by the honorable Chief Justice of the Lahore High Court. It is not clear whether Respondents 2, 3 and 4 have submitted the Impugned Report to the Chief Minister, but it is more than evident that it has been fully circulated to the media - with obvious intent to prejudice the minds of the public against the petitioners. This at a stage when the Chief Justice's Commission has yet to prepare its report. Since the Chief Minister's inquiry commission must have known of the constitution of the Chief Justice's commission, this undue and irresponsible publicity given by the Respondent No. 2 (who has repeatedly appeared before the electronic media) amounts to no less than criminal contempt of court - for which he needs to be duly proceeded against.

Indeed, because of the highly irresponsible attitude of the Respondent No. 2, whereby he has succeeded in turning public opinion against the Petitioners, it is virtually impossible for the Petitioners now to receive a fair and even handed treatment. The Respondent No. 2 needs to be given exemplary punishment for so blatantly interfering with the due process of law and justice.

- f. It has to be said that even if no commission had been constituted by the honorable Chief Justice to investigate the incident, it was still highly inappropriate for the Respondent No. 2 to make the commission report public. His only duty was to submit the report to the Chief Minister, and then it would have been for the Chief Minister to take appropriate action on it. By repeatedly discussing the report before the electronic and print media, the commission has left no doubt about the fact that its true motives were to seek publicity, not to investigate the unfortunate incident.

- g. The Petitioners of course are very sad that the tragic incident took place.

... - despite the fact that Dr. Kumar was never employed by the hospital, and that the duty doctor had handed charge to him in violation of the hospital regulations and without permission or

knowledge of the hospital administration. However, to recklessly suggest that the Petitioner No. 2 should be proceeded against for manslaughter is extremely irresponsible of the inquiry commission.

- h. The Petitioners are suffering irreparable and on going harm on account of the Impugned Report. Not only is their reputation adversely impacted, but also based on the Impugned Report, the local police has proceeded to arrest the Administrator of the Petitioner No. 1's hospital - which is adversely impacting the operations of the hospital.
16. There is no alternative adequate remedy available to the petitioners, except to invoke the constitutional jurisdiction of this honorable court.
17. It is therefore most respectfully prayed that :
- i. the Impugned Report may kindly be set aside as illegal and void ab initio;
 - ii. the Chief Minister inquiry commission may kindly be disbanded, and restrained from taking any further action in respect of the matter - not least on account of its highly irresponsible and biased attitude;
 - iii. criminal contempt proceedings may be initiated against the Respondent No. 2 for his undue interference with the due process of law initiated by the honorable Chief Justice of Lahore High Court;
 - iv. The Respondents No. 2, 3 & 4 may kindly be restrained from discussing the Impugned Report on media. It may be noted that the Petitioners have already suffered irreparable loss on account of the malicious propaganda launched by the Respondents 2, 3 & 4;
 - v. any other, including interim relief, may also be provided to the Petitioners;
 - vi. the cost of this petition may be ordered to be paid by the Respondent No. 2.

Dr. Anwar-ul-Haq
Petitioner No. 1

Ishaq M.A.

Petitioner No. 2

Through

Syed
Syed *M. Hassan*
Advocate High Court
2 Mozang Road
Lahore
CC No - PLT 16492

Note : As per instructions, this is the first writ petition by the petitioners on the subject matter.