



Sh Kimti Lal Kashyap, S/o Sh Krishan Lal,  
R/o H NO-12, Street nO-1, Teacher Colony,  
Nawanshehar, Distt SBS Nagar.

... Complainant

Versus

Public Information Officer,  
O/o Civil Surgeon,  
SBS Nagar.

...Respondent

**Complaint Case No. 170 of 2022**

**PRESENT: None for the Complainant**  
**None for the Respondent**

**ORDER:**

The complainant, through an RTI application dated 19.11.2021 has sought information on 07 points regarding details of private doctors and lab technicians including their qualifications and copy of approval of the Govt for doing practice – action taken against unauthorized doctors - detailed list of natural Eunuchs from the year 1970 alongwith copies of birth certificates – details of medical stores – copies of their qualifications as enumerated in the RTI application from the office of Civil Surgeon, SBS Nagar. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 29.03.2022.

The case has come up for hearing today through video conferencing at DAC SBS Nagar. Both the parties are absent.

As per the reply of the PIO O/o Civil Surgeon, SBS Nagar, received through email, it has been informed that since the information was related to Drug Control Officer, O/o Civil Surgeon SBS Nagar, the RTI application was transferred to them u/s 6(3) on 06.12.2021 and as per report of the Drug Control Officer, the information has been sent to the complainant on 27.12.2021 directly by the Drug Control Officer.

The complainant is absent nor represented.

Having gone through the record, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005 in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

Since there is an alternative and efficacious remedy of first appeal available to the complainant under section 19(1) of the RTI Act, 2005 which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act.,2005.

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In view of the observations noted above, the instant case is remanded back to the concerned First Appellate Authority O/o Civil Surgeon, SBS Nagar with a copy of the RTI application for their ready reference and is also directed to call the complainant within 30 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

With the above observation and order, the case is **disposed of and closed**.

**Chandigarh**  
**Dated: 04.10.2022**

Sd/-  
**(Khushwant Singh)**  
**State Information Commissioner**