

COMPLAINT CASE NO. 6 OF 2021

02.08.2022

1. Perused the Preliminary Inquiry Report dated 21.05.2022 submitted by Inquiry Officer through the Director (Inquiry), Manipur Lokayukta, who submitted the said Preliminary Inquiry Report under his letter dated 06.06.2022.

2. Manipur Lokayukta vide its order dated 16.04.2021, after having a considered view that a prima facie case has been made out for directing the Director (Inquiry), Manipur Lokayukta to conduct a preliminary inquiry to ascertain as to whether a prima facie case has been made out for investigation or further proceeding, directed to conduct a preliminary inquiry to find out the fact of the allegations and assertions mentioned specifically in the additional facts and supporting documents filed by the complainant. The said facts and supporting documents are mentioned in para no. 5 of our order dated 16.04.2021. For convenience, para no. 5 of our order dated 16.04.2021 is reproduced hereunder:

“5. We have also perused the additional fact(s) and supporting documents submitted before us and on such perusal, it appears that 15 (fifteen) items of works mentioned in the said list of work proposal were not at all implemented but funds had already been released and misused. For easy reference, the list of the items mentioned in the additional fact(s) and supporting documents are reproduced below :

“Complaint case No. 6 of 2021
Additional fact(s) and Supporting documents

SL no.	Name of work refer to ADC Ukhrol	Village	Block with SL.NO.	Amount in lakh	Annexure Remark
1	Construction of IVR from village to water reserviour	Itham	Kasom khullen SL.no.24	2	Annex. A1
2	Construction of fishery pond	Shangpun ram	Kasom khullen SL.no.25	1	Annex. A2

3	Retaining wall at ngavaolu	Challou	Chinglai SL.no.10	5	Annex. A3
4	Construction of waiting shed	Challou	Chingai Sl. No.9	5	Annex. A3
5(a)	Kiwi plantation	Nungbi khullen	Chingai Sl. No.28	5	Annex. A5
(b)	Parkia plantation	Nungbi khullen	Chingai Sl. No.29	5	-do-
(c)	Construction of fishery pond and fencing	Nungbi khullen	Chingai Sl. No.30	10	-do-
(d)	Construction suspension bridge and footpath over marung river	Nungbi khullen	Chingai Sl. No.31	15	-do-
6	Construction of IVR from local to Langcha	Sahangphung	Kamjong SL. No. 16	10	Annex.A6
7	Reclamation of heritage site	Poi	Chingai Sl. No.7	10	Annex.A7
8 (a)	Construction of Water Tank	Seikhor	LM Block Sl. 19	4	Annex.A8

(b)	Construction of Drainage	Seikhor	LM Block Sl. 20	4	Annex.A8
9 (a)	Constn. Of Rain Water Reservoir	Greenland	Ukhrul Block 77	10	Annex.A9
9 (b)	Constn. of IVR from Phungyo Cemetery of Kongkhangngayi	Greenland	Ukhrul Block 80	5	Annex.A9
10	Constn. Of Public Toilet	Phungreitang West	Ukhrul Block 83 (1)	5	Annex.A10

3. The Inquiry Officer who conducted the preliminary inquiry in compliance of our order dated 02.07.2021 had filed an application, which has been registered as Misc. Case No. 1 of 2021 (Reference : Complaint Case No. 6 of 2021), praying that an expert committee/technical team may be required to be constituted for assisting him in ascertaining as to whether the works have been properly executed or not and to check whether the measurement of the works have been entered properly in the Measurement Books or not. After considering the prayer of the Inquiry Officer vide our order dated 02.07.2021 passed in Misc. Case No. 1 of 2021 (Reference: Complaint Case No. 6 of 2021) constituted a Technical Team consisting of two Engineers. However, by another order dated 23.08.2021 passed in Misc. Case No. 1 of 2021 (Reference: Complaint Case No. 6 of 2021), the

Technical Team/Committee was reconstituted and the said reconstituted Technical Team consists of (i) Mr. Ph. Bimol Singh, EE-PIU-I, Thoubal (from RED/MSRRDA) and (ii) Mr. Maibam Raju Singh, Executive Engineer of DRDA, Imphal.

4. The Inquiry Officer who has been assisted by the Technical Team, after thorough inquiry submitted the said Preliminary Inquiry Report dated 21.05.2022. The irregularities committed by the officials/public servants are mentioned in para no. 49 of the Preliminary Inquiry Report and the conclusion part of the preliminary inquiry are mentioned in para 53 of the Preliminary Inquiry Report. For easy reference, para nos. 49 and 53 of the Preliminary Inquiry Report are reproduced hereunder:

“ IRREGULARITIES COMMITTED BY THE OFFICIAL/PUBLIC SERVANTS

49. From the Inquiry proceedings for the alleged non-completion of the 15 (fifteen) projects as mentioned in the complaint, it is concluded that the following works/projects enlisted below have not been carried out as per procedure (Table 17)-

Sl. No	Name of Work	Village/Block	ADC Member	Remarks
1	Construction of IVR from village to water reservoir.	Itham, Kasom Khullen	S Thotasheng	No Construction has been carried out
2	Construction of fishery pond	Shangpunram, Kasom KHullen	S Thotasheng	Construction of Fishery Pond has not been carried out

3	Construction of fishery pond and fencing.	Nungbi Khullen, Chingai	K Dickson	The Fishery Pond is constructed in private areas not utilized for public purposes and does not meet any Specifications. No Fencing Work is Carried Out.
4	Construction of water tank	Seikhor, LM	V L Khayinghor	No Construction has been carried out
5	Construction of Public toilet	Phungreitang West, Ukhurul	H A Vareishang	No Construction has been carried out
6	Reclamation of heritage site @ Poi village	Chingai Block	Themreishang AS	No Redevelopment/conservation measures are carried out on inspection

1. Shri K Dickson, former Chairman, ADC, Ukhurul: He is in violation of CCS (Conduct) Rules, 1964 Rule no 3(1) (xii) for failing to perform his administrative duty. He is also guilty of misappropriation of public money awarded under 14th FC 2017-18 due to the Non-completion of project work i.e. Construction of fishery pond and fencing @ Nungbi Khullen awarded to his nominated work agencies.
2. The Vice Chairman (Shri M. Issac) & Executive members of the Executive Committee of ADC, Ukhurul (Shri SP. Mashunngam (13-Shangshak DCC Segments), Shri HS. Ngamsung (11-Khamason DCC Segment), Shri VL. Khayinghor (14-Tuinem DCC Segment), Shri Somimayar Awungshi (21-Shingkap DCC Segment), Shri Kapangpam Zimik(6-Tolloi DCC Segment)) failed to implement 100% completion and submitted completion report for FFC award 2017-18 thereby these individuals are in violation of CCS(Conduct) Rules, 1964 Rule no 3 (1) (xii)

3. Smt Polly Makan, the then CEO: Transfer of money from the A/C No Development account to DDO account is violation of Govt Orders as stated in para 1-9. Agency Charges/Department charges have not been paid. 1% labour cess has not been paid by the CEO Office. This is substantiated by the official letter from the Labour Office (enclosed here as page 230). The officer allowed 1st Advance payment of 80% on the start of work. Fresh Preparation of 2nd RA Bill registers which are fraudulent in nature was signed by the officer. As a result, Final Bill work amount entered in the bill registers are higher as compared to the actual value prepared in MBs and cleared in the corresponding office files. Moreover, final bill settlement without inspection of works and referring to MBs has been carried out. These action attracts criminal misconduct by a public servant and is guilty of being part of the conspiracy and misappropriation of public funds
4. Shri L Raghmani Singh(EE) & Shri Kh Okendro Singh (AE) belonging to the Engineering Cell, ADC, Tamenglong are violating CCS(Conduct) Rules, 1964 rule no 3 (1) (ii) and connived with the higher in ups in misappropriation of public funds by not taking up inspection of works.
5. ADC Member Shri S Thotasheng has not completed the project works i) Construction of IVR from village to water reservoir @ Itham & ii) construction of fishery pond@Shangphunram awarded to work agencies nominated by him under 14th FC 17-18 in his segment. So he is guilty of misappropriation of public funds meant for development work
6. ADC Member Shri Themreishang AS has not completed the project work Reclamation of heritage site @Poi awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriate of public funds meant for development work
7. ADC Member Shri V L Khayinghor has not completed these project work i.e. Construction of water tank@ Seikhor in his segment as was awarded to his nominated work agencies under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work
8. ADC Member Shri H A Vareishang has not completed the project work Construction of Public toilet@ Phungreitang West in his segment awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriate of public funds meant for development work.

CONCLUSION

53. Therefore, from the evidence on record, prima facie evidence of criminal conspiracy and misappropriation of sanctioned amount by the public servants and officials namely (i) former ADC Chairman Shri K Dickson (ii) former Vice Chairman Shri M. Issac (20-Phungyar DCC Segment) & former Executive members of the Executive Committee of ADC. Ukhurul i.e. (iii) Shri SP. Mashunngam (13- Shangshak DCC Segment), (iv) Shri HS. Ngamsung (11-Khamasom DCC,Segment),(v) Shri VL. Khayinghor (14-Tuinem DCC Segment), (vi) Shri Somimayar Awungshi (21- Shingkap DCC Segment), (vii) Shri Kapangpam Zimik (6-Tolloi DCC Segment) & (viii) former ADC Member Shri Themreishang AS (3-Chingai segment) (ix) former ADC Member S Thotasheng (23-Kasom Khullen segment) (x) former ADC Member Shri H A Vareishang (10-Ukhurul South segment) (xi) the then CEO Polly Makan, (xii) Shri L Raghmani Singh (EE) & (xiii) Shri Kh. Okendro Singh (AE) has been established and are hence charged for offence punishable u/s 13 PC Act, 120-B/34 IPC”

4.1 The above persons whose names are mentioned in the Conclusion para i.e. para no. 53 are made respondents in the present case. Accordingly, the respondents of the present case are as under:

- (i) former ADC Chairman Shri K Dickson;
- (ii) former Vice Chairman Shri M. Issac (20-Phungyar DCC Segment) & former Executive members of the Executive Committee of ADC. Ukhurul;
- (iii) Shri SP. Mashunngam (13- Shangshak DCC Segment); (iv) Shri HS. Ngamsung (11-Khamasom DCC,Segment);
- (v) Shri VL. Khayinghor (14-Tuinem DCC Segment);
- (vi) Shri Somimayar Awungshi (21- Shingkap DCC Segment);
- (vii) Shri Kapangpam Zimik (6-Tolloi DCC Segment);
- (viii) former ADC Member Shri Themreishang AS (3-Chingai segment);

- (ix) former ADC Member S Thotasheng (23-Kasom Khullen segment);
- (x) former ADC Member Shri H A Vareishang (10-Ukhrul South segment);
- (xi) the then CEO Polly Makan;
- (xii) Shri L Raghmani Singh (EE); and
- (xiii) Shri Kh. Okendro Singh (AE).

5. Issue notice to the complainant and also to the respondents. In case of the respondents, notices to the respondents shall be affected by the present CEO, Autonomous District Council, Ukhrul. Accordingly, Deputy Registrar, Manipur Lokayukta is to take steps for service of notice to the respondents through the present CEO, Autonomous District Council, Ukhrul and to the complainant for their appearance on 24.08.2022.

6. List this case on 24.08.2022 for appearance of the party.

Sd/-
MEMBER

Sd/-
CHAIRPERSON