

**COMPLAINT CASE NO. 2 OF 2020**

**08.07.2022**

1. Complainant and his power of attorney holder appear in person. Mr. M. Devananda Singh, learned counsel appears on behalf of Secretary (Power), Government of Manipur and Mr. A. Jankinath Sharma, learned counsel appears on behalf of respondent nos. 3 and 4.

2. We received a letter dated 20.06.2022 of Mr. A. Arunkumar Singh, one of the associates of Paonam and Associates, Advocates & Taxation Consultants addressed to the Deputy Registrar, Manipur Lokayukta. It is so unfortunate that none appears for the respondent no. 2 (Shri N. Sarat Singh) when the matter is called out for consideration of the said letter dated 20.06.2022.

3. Learned counsel appearing for the Secretary (Power), Government of Manipur draws our attention to Section 27(2) of the Manipur Lokayukta Act, 2014. For easy reference, Section 27(2) of the Manipur Lokayukta Act, 2014 is reproduced hereunder:

**“27. (2) Any proceeding before the Lokayukta shall be deemed to be a Judicial proceeding within the meaning of section 193 of the Indian Penal Code.”**

4. Mr. Arunkumar Singh, Advocate has to remember that Manipur Lokayukta is a sui juris quasi-judicial authority. Manipur Lokayukta is not functioning on the basis of the correspondence; there is a proper norm and procedure as to how an application is to be filed before Manipur Lokayukta. If anything is to be placed before Manipur Lokayukta, proper application is to be filed. We hope and trust that at least some decorum will be maintained by the members of the well-known Chamber having the high esteem and regard in the society in the field of law.

5. Mr. M. Devananda Singh, learned counsel appearing for the Secretary (Power), Government of Manipur placed a copy of the order dated 04.07.2022 passed by the Hon'ble Single Bench of the High Court of Manipur in W.P. (C) No. 161 of 2022 with W. P. (C) No. 168 of 2022, W.P. (C) No. 171 of 2022 and W.P. (C) No. 225 of 2022, wherein the Hon'ble High Court of Manipur held that

**Contd...2/-**

“After hearing the rival submissions of the learned counsel appearing for the parties and after careful examination of the records placed before this court in connection with the present writ petitions, this court is of the considered view that the Manipur Lokayukta has the power and jurisdiction to made such recommendations and this court did not find any material or ground to interfere with such recommendations at this stage of the proceedings of the present writ petitions. Moreover, as the Manipur Lokayukta had recommended for conducting an investigation strictly in terms of the relevant provisions of the act and rules, no civil consequences against the petitioners follows from such action of the Manipur Lokayukta and the petitioners cannot be said to be aggrieved by such action of the Manipur Lokayukta and accordingly, this court is not inclined to pass any interim order at this stage.”

“In view of the above principles laid down by the Hon’ble Apex Court in the case of Neeharika Infrastructure Pvt. Ltd (supra) and taking into consideration the submissions advanced by the learned counsel appearing for the parties and on perusal of the records of the present cases, this court did not find any ground or justification for passing any interim order at this stage which may result in staying the criminal investigation against the petitioners.”

“Mr. H. Debendra, learned Government Advocate submitted that the recommendations of the Manipur Lokayukta, for not allowing the petitioners to function as officials of the Manipur State Power Corporation Limited in their respective capacity till the completion of the investigation, was placed before the State Cabinet for its consideration, however, the State Cabinet had deferred the matter in relation to the said recommendations made by the Manipur Lokayukta by stating that the Power Department should re-submit the matter for consideration of the Cabinet after incorporating the decisions of this court in the pending writ petitions and accordingly, the State Government is yet to take a decision with regard to the said recommendation of the Manipur Lokayukta.”

“In view of the above quoted decisions of the Hon’ble Apex Court and as the State Government is yet to take a decision with regard to the recommendations of the Manipur Lokayukta for not allowing the petitioners to continue in their respective official capacity in the Manipur State Power Corporation Limited till the completion of the investigation, this court hope and trust that the Manipur Lokayukta will not insist or direct the authorities of the

**State Government to implement or carried out such recommendations. It is, however, made clear that the above observations made by this court should not be construed as an interim order restraining the State Government from taking a decision as to whether the State Government will accept the aforesaid recommendations of the Lokayukta as mandated under Section 32(2) of the Lokayukta Act. It is hoped and trust that the State Government will take a decision with regard to the aforesaid recommendations of the Manipur Lokayukta as mandated under Section 32(2) of the Lokayukta Act as early as possible.**

6. On perusal of the said judgment and order, it is crystal clear that the Hon'ble High Court of Manipur had already made a decision that Manipur Lokayukta has the power and jurisdiction to make such recommendation and also that there is not material or any ground to interfere with such recommendations and therefore there is no ground for the High Court to pass an interim order and also that the Government has to take its decision with regard to the said recommendation made by Manipur Lokayukta as mandated under Section 32(2) of the Manipur Lokayukta Act, 2014 as early as possible.

7. Manipur Lokayukta is duty bound to follow the procedure contemplated under Section 48 of the Manipur Lokayukta Act, 2014. In compliance of the judgment and order dated 04.07.2022 of the Hon'ble High Court of Manipur passed in W.P. (C) No. 161 of 2022 with W. P. (C) No. 168 of 2022, W.P. (C) No. 171 of 2022 and W.P. (C) No. 225 of 2022 in true spirit and terms, we are not making observation as to the delay in taking decision by the Government regarding our recommendation. However, the Government being a law abiding authority under the Constitution of India has to take a decision on the recommendation of the Manipur Lokayukta as held by the Hon'ble High Court of Manipur in its judgment and order dated 04.07.2022 passed in in W.P. (C) No. 161 of 2022 with W. P. (C) No. 168 of 2022, W.P. (C) No. 171 of 2022 and W.P. (C) No. 225 of 2022 as early as possible.

8. Further, Mr. M. Devananda Singh, learned counsel for the Principal Secretary/Secretary (Power) being an experienced lawyer having a good reputation cannot act like a messenger of the Principal

Secretary/Secretary (Power), he is to give his advice to the Principal Secretary/Secretary (Power) as required under the judgment and order dated 04.07.2022 of the Hon'ble High Court of Manipur passed in in W.P. (C) No. 161 of 2022 with W. P. (C) No. 168 of 2022, W.P. (C) No. 171 of 2022 and W.P. (C) No. 225 of 2022.

9. List this case on 22.07.2022 for further proceeding.

10. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order, forthwith, to

- (i) the Chief Secretary, Government of Manipur;
- (ii) the Principal Secretary/Secretary (Power), Government of Manipur;
- (ii) Mr. A. Arunkumar Singh, one of the associates of Paonam and Associates, Advocates & Taxation Consultants; and
- (iii) the parties of this case.

*Sd/-*  
**MEMBER**

*Sd/-*  
**CHAIRPERSON**