

COMPLAINT CASE NO. 2 OF 2020

12.11.2021

1. Heard the Power of Attorney holder, Mr. A. Jankinath Sharma, learned counsel on behalf of Respondent No. 1, Mr. H. Ishwarlal Singh, learned Senior Advocate assisted by Mr. P. Tomba Singh, Advocate on behalf of Respondent Nos. 2,4,7,9 and 10, Mr. N. Jotendro Singh, learned senior counsel assisted by Mr. Syed Murtaza Ahmed, Advocate on behalf of Respondent Nos. 3,8,11 and 12 and Mr. Y. Nimolchand, learned senior counsel assisted by Mr. U. Augusta.

2. We have carefully examined the comments/written statements filed by the respondents and on such examination it is crystal clear that none of the respondent raised objection to the Preliminary Inquiry Report on the ground that the Inquiry Officer did not call any comment from the competent authority on the basis of the material, information and documents collected on the allegations made in the complaint. However, on close scrutiny of the Preliminary Inquiry Report, which is very voluminous, comprising of four volumes, it is clear that the Inquiry Officer did not take proper comment on the basis of the material, information and documents collected by the Inquiry Officer on the allegations made in the complaint from the competent authority. For fair procedure, we are of the considered view that the Preliminary Inquiry Report will be sent down to the Inquiry Officer with the clear instruction and direction that the comment should be obtained from the Competent Authority on the basis of the material, information and documents collected by the Inquiry Officer on the allegations made in the complaint and submit the report with the comment within a period of 3 (three) weeks from the date of receipt of this order.

3. It is also further made clear that if the competent authority fails to submit their comment within the stipulated period indicated above, Inquiry Officer is given liberty to submit the Preliminary Inquiry Report without the comment with a clear-cut statement that the competent authority had failed to furnish the comment within the period indicated above.

4. The learned counsels appearing for the respondents also have no objection to sending down of the Preliminary Inquiry Report to the Inquiry Officer with the above direction.

5. It may not be out of place to made observation that the Apex Court by invoking its jurisdiction under Articles 141 and 142 of the Constitution of India passed several orders in Miscellaneous Application No. 665 of 2021 in SMW(C) No. 3 of 2020 (2021 SCC OnLine SC 947) that the period from 15.03.2020 till 02.10.2021 shall be exclude in calculating the period of limitation prescribed by or under Special Act of the Central or State Government. Certain period for completing certain procedures is also prescribed under the Manipur Lokayukta Act, 2014. We can take the judicial notice of the abnormal circumstances where the normal life of the citizens has been seriously affected because of the Covid-19 pandemic in the State of Manipur and the state government had passed many order for imposing curfew and certain restriction to the denizens of Manipur, some of which are as under :

Sl. No.	Order Date	File No.
1	23 rd March, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
2.	30 th April, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
3.	3 rd May, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
4.	6 th May,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
5.	19 th May,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
6.	1 st June,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
7.	8 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
8.	15 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
9.	20 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
10.	30 th June,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
11.	4 th July, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
12.	10 th July,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
13.	13 th July,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
14.	23 rd July, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
15.	30 th July,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
16.	15 th August, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
17.	25 th August, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
18.	1 st October, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
19.	31 st October, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
20.	27 th November, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
21.	22 nd December, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
22.	30 th December, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
23.	11 th February, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
24.	19 th February, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
25.	23 rd February, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
26.	9 th March, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur

27.	31 st March, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
28.	12 th April, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
29.	15 th April, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
30.	18 th April, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
31.	21 st April, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur

6. Keeping in view of the abnormal situation during the Covid-19 Pandemic and also several orders passed by the State Government, we fix the period of 3 (three) weeks for submitting the Preliminary Inquiry Report with the comment from the competent authority.

7. In the above circumstances, the period of 60 days mentioned under Section 20 (2) of the Manipur Lokayukta Act, 2014 is further extended to 3 (three) weeks only from today for submission of the Preliminary Inquiry Report along with the comment as provided under Section 20 (2) of the Manipur Lokayukta Act, 2014.

8. Power of Attorney holder and the learned counsels appearing for the parties unanimously submitted that the further proceeding of the present case may be deferred till submission of the Preliminary Inquiry Report along with comment, if any, of the competent authority.

9. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order to all the parties and also to the Inquiry Officer of the Preliminary Inquiry of the present case for necessary compliance of the above direction.

10. List this case on **13.12.2021** for further proceeding.

Sd/-
MEMBER

Sd/-
CHAIRPERSON