

COMPLAINT CASE NO. 2 OF 2020

13.06.2022

1. Complainant and his power of attorney holder appear in person. Mr. M. Devananda Singh, Advocate appears on behalf of Secretary (Power), Government of Manipur.

2. Mr. M. Devananda Singh, learned counsel appearing for the Secretary (Power), Government of Manipur submits at bar that he has the knowledge regarding the order passed by the Division Bench of the High Court of Manipur dated 18.05.2022 in PIL No. 10 of 2022 between *Laitonjam Meghanchandra Singh vs. State of Manipur & Others*. The copy of the said order dated 18.05.2022 passed in PIL No. 10 of 2022 is also placed before us and Deputy Registrar, Manipur Lokayukta is directed to keep a copy of the said order in the file of the present case. The relevant portion of the order passed by the Hon'ble Division Bench of the High Court of Manipur dated 18.05.2022 passed in PIL No. 10 of 2022 is quoted hereunder:

“Section 32(1) of the Manipur Lokayukta Act, 2014, indicates that where the Lokayukta, while making a preliminary enquiry into allegations of corruption, is *prima facie* satisfied, on the basis of the evidence available, that the continuance of a public servant in his post is likely to affect such preliminary enquiry or that such public servant is likely to destroy or in any way tamper with the evidence or influence witnesses, then the Lokayukta may recommend to the State Government for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order. Section 32(2) provides that the State Government shall ordinarily accept the recommendation of the Lokayukta made under Section 32(1), except for reasons to be recorded in writing in a case where it is not feasible for administrative reasons.

In the light of this statutory mandate, it is not open to the State Government to refuse to discharge its duty under Section 32(2) and keep the matter in abeyance, pending decision in cases filed before this Court. Discharge of this statutory function by the Government is not to be linked with pendency of litigation. All the more so, when there are no orders

passed by this Court interdicting the State Government from discharging its function under Section 32(2) of the Act of 2014.”

2.1. In the light of the said order dated 18.05.2022 passed in PIL No. 10 of 2022, Mr. M. Devananda Singh, learned counsel appearing for the Secretary (Power), Government of Manipur is to take necessary instruction from the Secretary (Power), Government of Manipur. Mr. M. Devananda Singh, learned counsel is further directed to apprise the power and jurisdiction of the Lokayukta apart from Section 32 of the Manipur Lokayukta Act, 2014. Section 32(1) of the Manipur Lokayukta Act, 2014 is to be read conjointly with section 20 (7) (b) of the Manipur Lokayukta Act, 2014. For easy reference Section 20 (7) and Section 32 of the Manipur Lokayukta Act, 2014 are reproduced hereunder :

“20.(7) The Lokayukta shall consider every report received by it under sub-section (6) from the Investigating agency and after obtaining the comments of the competent authority and the public servant may—

(a) grant sanction to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant;

(b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants.

32.(1) Where the Lokayukta, while making a preliminary inquiry into allegations of corruption, is prima facie satisfied, on the basis of evidence available,—

(a) that the continuance of the public servant referred to in clause (d) or clause (e) of sub-section (1) of section 14 in his post while conducting the preliminary inquiry is likely to affect such preliminary inquiry adversely; or

(b) such public servant is likely to destroy or in any way tamper with the evidence or influence witnesses, then, the Lokayukta may recommend to the State Government for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order.”

3. Therefore, on bare perusal of Section 32 (1) and Section 20 (7) (b) of the Manipur Lokayukta Act, 2014, it is clear that Lokayukta has the power to direct the competent authority to initiate a departmental proceeding or any other appropriate action against the concerned public servant during the investigation or after final submission of the investigation report. Corollary of the said two Sections are that Lokayukta has the jurisdiction to recommend or direct after the final submission of the investigation report and moreover final power would be exercised at the final stage of the investigation or final submission of the investigation report could be exercised in the interregnum.

4. List this case on 24.06.2022 for further proceeding.

5. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order to the parties and also to the Principal Secretary/Secretary (Power), Government of Manipur.

Sd/-
MEMBER

Sd/-
CHAIRPERSON