

COMPLAINT CASE NO. 2 OF 2020

14.12.2021

1. We have passed an order dated 12.11.2021 with the observation and direction that 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.

2. In compliance of our order dated 12.11.2021, the Inquiry Officer of the present case had obtained the comment from the Minister in-charge of Power, Government of Manipur. After obtaining the comment from the competent authority, the Inquiry Officer has submitted an Addendum to the Preliminary Inquiry Report (Case No. 2/2020 of Manipur Lokayukta) of the present case through the Director (Inquiry), Manipur Lokayukta. The said Addendum to the Preliminary Inquiry Report would be treated as a part of the Preliminary Inquiry Report submitted earlier by the Inquiry Officer in the present case.

3. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of the comment of the competent authority dated 01.12.2021 to the learned counsel appearing for the respondents as well as to the complainant within 48 hours.

4. When respondent no. 1 is called upon, one of the counsels present today informed us that the counsel for respondent no. 1 is indisposed. This type of adjournment on flimsy ground is rejected with a cost of Rs. 2000/- (Rupees two thousand) only. Learned counsel appearing for the respondent no. 1 is directed to deposit the said cost of Rs. 2000/- within a period of seven days from today.

5. We have perused the written statement of the respondent no. 1 as well as the additional rejoinder on behalf of the complainant and also the preliminary inquiry report. On such perusal, it is clear that the respondent no. 1 retired from service on

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superannuation on 30.04.2009, thereafter, charge of his office i.e. Chief Engineer, Power, Manipur had been taken over by Respondent No. 2, Shri N. Sarat Singh vide order of the Government of Manipur being No. 4/93/64-S(W)Pt.I/Dp dated 30th April, 2009. For easy reference order dated 30th April, 2009 is reproduced hereunder :

**“GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE
REFORMS
(PERSONNEL DIVISION)**

**ORDERS BY THE GOVERNOR: MANIPUR
Imphal, the 30th April, 2009.**

No. 4/93/64-S (W)Pt.I/DP: Consequent upon the retirement of Shri Ch. Biramani Singh, Chief Engineer/Power, Manipur on 30/04/2009, the Governor of Manipur is pleased to order that Shri N. Sarat Singh, i/c Addl. Chief Engineer/Power, Manipur shall hold the charge of Chief Engineer/Power, Manipur on in-charge basis in addition to his normal duties in his grade pay without any extra remuneration till the post is filled up on regular basis.

By orders & in the name of
Governor,
Sd/-
(K.C. Laishram)
Under Secretary (DP)
Government of Manipur.

Copy to:-

1. Secretary to Governor, Manipur Raj Bhavan, Manipur
2. Secretary to Chief Minister, Manipur.
3. P.S. to Minister (Power), Manipur.
4. P.S. to Chief Secretary, Government of Manipur.
5. P.S. to Addl. Chief Secretary, Government of Manipur.
6. Principal Secretary (Power), Government of Manipur.
7. Accountant General, Manipur.
8. Shri N. Sarat Singh, Chief Engineer/Power, Manipur.
9. Treasury Officer/Sub-Treasury Officer concerned.
10. Guard File.”

6. Section 53 of the Manipur Lokayukta Act, 2014 provides the period of limitation. For easy reference, Section 53 of Manipur Lokayukta Act, 2014 is quoted hereunder :

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“53. The Lokayukta shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.”

7. On conjoint reading of section 53 and written statement/comment filed by the respondent No. 1 and also the Preliminary Inquiry Report and also the comments of other respondents, it is clear that so far as respondent no. 1 is concerned, the present complaint is bar by limitation. Accordingly, the respondent No. 1 is dropped from being one of the respondents in the present complaint. In other words, the respondent No. 1 is no longer one of the respondents in the present complaint and there should not be any further proceeding against respondent no. 1.

8. Hearing of the present case will continue tomorrow i.e. **15.12.2021**.

9. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order to all the parties.

Sd/-
MEMBER

Sd/-
CHAIRPERSON