

COMPLAINT CASE NO. 2 OF 2020

18.04.2022

1. In compliance of our order dated 21.03.2022, Mr. S.K. Chourasia, Secretary (Power), Government of Manipur and Mrs. Anna Arambam, JS/DP, Government of Manipur appeared in person before Manipur Lokayukta. The Complainant along with the Power of Attorney holder also appeared in person before us.
2. Secretary (Power), Government of Manipur apprises the present stage of the matter relating to the compliance of the recommendation made vide our order dated 07.02.2022 by placing copies of two letters of the Government of Manipur i.e. (i) letter of the Deputy Secretary (Power), Government of Manipur dated 13.04.2022 addressed to the Deputy Registrar, Manipur Lokayukta and (ii) letter of the Deputy Secretary (Power), Government of Manipur dated 18.04.2022 addressed to the Deputy Registrar, Manipur Lokayukta. On perusal of the said letters of the Government of Manipur, it appears that the matter of not allowing Mr. N. Sarat Singh to function as Managing Director, MSPCL as recommended by us vide our order dated 07.02.2022 is to be placed before Cabinet for its decision.
3. It is to mention that Manipur Lokayukta and the State Government have the same common object for taking action against corrupt public servants/officers and also to punish them by following the due process of law. There cannot be two different opinions in this matter between the Manipur Lokayukta and the State Government. It appears that within a short period of time, the public is appreciating the action taken by the present Government for taking action against the public servants/officers by establishing/opening a cell called "Public Grievance Redressal and Anti-Corruption Cell". It so happens that the present Secretary (Power), Government of Manipur is also heading the said Cell as its Secretary In-charge. It is very good that the present matter regarding the recommendation of the Manipur Lokayukta vide our order dated 07.02.2022 is taken up the present Secretary (Power), Government of Manipur, who is also the Secretary In-Charge of Public Grievance Redressal and Anti-Corruption Cell. We are constraint to make an observation that the Secretary (Power), Government of Manipur being the Secretary In-Charge of Public Grievance Redressal and Anti-Corruption Cell is now sitting in a glass house and public are looking at his service and activities through microscope.
4. The hard earned good reputation of the present Government in the eye of the general public should not be lowered down because of the wrong decision taken in one case. We have to remember that whosoever is high and exalted, law is above all. We hope and trust that the present Government shall take the appropriate decision in the interest of the public at large and also in the interest of having fair and transparent governance. At the same time, we also appreciate the good steps taken by the present Government for removing corruption, if any, in the administration.

5. With the above observation, as prayed for by Mr. S.K. Chourasia, Secretary (Power), Government of Manipur, further two weeks' time is granted for apprising Manipur Lokayukta as to the decision of the State Cabinet regarding the matter relating with Shri N. Sarat Singh, Managing Director, MSPCL as recommended vide our order dated 07.02.2022.

6. We also made further observation that unnecessarily Manipur Lokayukta and the present State Government should not be subjected to public criticism because of this particular case i.e. Complaint Case No. 2 of 2020. We are making this observation because the present case is already in the public realm as Press keeps on making comment on the proceeding of the present case. However, it is made clear that we are not deciding the case on the basis of Press report but we are deciding the case on the basis of the material available on record and also the material furnished by the State Government. At present, there are 4 (four) Writ Petitions before the High Court of Manipur being (i) W.P. (C) No. 161 of 2022, (ii) W.P. (C) No. 168 of 2022, (iii) W.P. (C) No. 171 of 2022 and (iv) PIL No. 10 of 2022 relating with our orders passed in the present case especially against our order dated 07.02.2022 passed in Complaint Case No. 2 of 2020.

7. Mr. S.K. Chourasia, Secretary (Power), Government of Manipur is directed to bring to the notice of the Ld. Advocate General of Manipur appearing on behalf of the Government of Manipur by furnishing copies of the said letter of the Government of Manipur dated 13.04.2022 and 18.04.2022 so that the Hon'ble High Court may not pass any adverse order without being apprised of the said letters from the side of the State Government. The image of the Government of Manipur should not be lowered down before the High Court of Manipur because of the wrong information furnished to the Court. The case of the petitioner before the High Court of Manipur that the recommendation of the Manipur Lokayukta vide its order dated 07.02.2022 had already been rejected by the State Government is not correct inasmuch all the recommendation of Manipur Lokayukta vide its order dated 07.02.2022 had already been accepted as it is evident from the said letters of the Government of Manipur dated 13.04.2022 and 18.04.2022.

8. List this case on 29.04.2022 for further proceeding.

9. Deputy Registrar is directed to furnish a copy of this order to Secretary (Power), Government of Manipur; JS/DP, Government of Manipur; Complainant and to whosoever asks for a copy of this order. Further, this observation is made keeping in view of the decision of the Apex Court in Chief Election Commissioner of India Vs. M.R. Vijayabhaskar and Ors. (2021) 9 SCC 770.

Sd/-
MEMBER

Sd/-
CHAIRPERSON