

DATE

NOTE AND ORDER

COMPLAINT CASE NO. 2 OF 2019

24.02.2020

Complainant appears in person. Mr. A. Sachikumar, Advocate entered appearance on behalf of the respondent Nos. 1 (Shri K. Premkumar Singh, SE-II, PWD, Manipur), 2 (Shri Oinam Inaoba Singh, the then in-charge EE, TPL DIV), 4 (Smt. Veineilam Haokip, in-charge AE, TPL, DIV) and 5 (Shri Ch. Mology Maring, SO, TPL DIV) and Mr. S. Samungou Singh, Advocate entered appearance on behalf of the respondent No. 3 (Shri Soiminthang Singson).

The learned counsels appearing for the respondents pray for another 10 (ten) days' time for filing their comment to the Preliminary Inquiry report submitted by the Inquiry Wing. The attention of the learned counsels has been drawn to Section 32 of the Manipur Lokayukta Act, 2014 wherein Lokayukta has the power to recommend transfer or suspension of the public officer against whom the case has been filed. We, as of now are not resorting to any of the powers of the Lokayukta as provided under Section 32 of the Manipur Lokayukta Act, 2014 but after hearing the submission of the parties we may resort to any of the provisions provided under Section 32 of the Act. It may also be required to refer to Section 20 (3) of the Manipur Lokayukta Act, 2014 inasmuch as the Lokayukta has to consider every report received from the Inquiry Wing and after giving opportunity of being heard to the public servant against whom complaint has been filed to decide as to whether there exists a prima facie case and proceed with one or more of the following action namely :

- (a) Investigation by any agency;
- (b) Initiation of the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority; and
- (c) Closure of the proceedings against the public servant and to proceed against the complainant under Section 47.

Now, Lokayukta has to decide which one of the actions provided under Section 20 (3) of the Manipur Lokayukta Act, 2014 is to be adopted after complete and exclusive hearing of the parties.

The Lokayukta is required to see the Work Agreement of the present work between the Contractors and the PWD, Manipur for proper appreciation of the present case. Accordingly, Respondent Nos. 1, 3 and 4 are directed to produce an authenticated copy of the Work Agreement of the present work under investigation for perusal on or before the next dated of present proceeding.

List the case on 06.03.2020 for further proceeding.

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

Sd/-
MEMBER

Sd/-
CHAIRPERSON