

**BEFORE**  
**MANIPUR LOKAYUKTA**  
*3<sup>rd</sup> Floor, Directorate Complex, 2<sup>nd</sup> M.R., North AOC, Imphal*

--  
**COMPLAINT CASE NO. 1 OF 2019**

*In the matter between:*

Mr. Bashan Singh Waikhom

... Complainant

-Vs-

1. Dr. M. Shyamo Singh, Ex-Director, JNIMS, Porompat.
2. Dr. Angam, Professor, Dept. of Forensic Medicine, JNIMS, Porompat, Imphal East.
3. Dr. L. Fimate, the then Head of Department, Forensic Medicine, JNIMS, Ebenezer Villa, Laimanai, Langol, Imphal West District, Manipur.

..... Respondents/Opposite Parties

**BEFORE**

***Mr. Justice T. Nandakumar Singh, Hon'ble Chairperson***  
***Mr. Ameising Luikham, Hon'ble Member***

For the Complainant :	Mr. N. Angothoiba Meitei, Advocate
For the Respondent No. 1 :	Mr. S. Bishwajit Meitei, Advocate
For the Respondent No. 2 :	Mr. Juno Rahman, Advocate
For the Respondent No. 3 :	Mr. B.R. Sharma, Advocate
	Mr. R.S. Livingstone, Advocate

**Date of Order : 28.12.2020**

**ORDER**

[1] Heard the learned counsels appearing for the respondent Nos. 2 and 3 and also perused their written objections against the finding of the Preliminary Inquiry Report dated 20.06.2020 submitted by the Director (Inquiry), Manipur Lokayukta against the respondents i.e. Respondent No. 1, Dr. M. Shyamo Singh, Ex-Director, JNIMS, Porompat; Respondent No. 2, Dr. Angam, Professor, Dept. of Forensic Medicine, JNIMS, Porompat, Imphal East and Respondent No. 3, Dr. L. Fimate, the then Head of Department, Forensic Medicine, JNIMS, Ebenezer Villa, Laimanai, Langol, Imphal West District, Manipur.

[2] In the course of the submission by the learned counsels appearing for the respondents, they were given opportunity of filing their arguments. Both the learned counsels accordingly filed their respective written arguments. In our earlier order dated 06.07.2020, we had already expressed our considered view as to the requirement of giving opportunity of being heard to the opposite parties/respondents to decide as to whether there exist a prima facie case against the respondents/opposite parties for investigation as provided under Section 20 (3) of the Manipur Lokayukta Act, 2014.

[3] On careful consideration of the submissions of the learned counsels appearing for the respondents and also application of our mind to the Inquiry report, written objections and written arguments, we are of the considered view that a prima facie case had been made out for investigation against the respondents. But, we are refrained from expressing our final opinion at the present stage of the complaint inasmuch as through investigation regarding the allegations made against the respondents/opposite parties are yet to be completed. Any sort of final observation against the respondents, at this stage, will not only hamper the investigation but also shall cause bias against the respondents in the course of the investigation, therefore, we are not making any final observations or findings in the present complaint save and except that we are of the considered view that prima facie case has been made out for investigation.

[4] We are making some prima facie observations in addition to some observations made in our earlier order dated 06.07.2020 that the main defence of the respondent No. 3, Dr. L. Fimate, the then Head of Department, Forensic Medicine, JNIMS was that there was a typographical mistake in his letter dated 10.07.2013 to the Director, JNIMS, Porompat, wherein through mistake it was mentioned that the HPLC machine with water purification was a mandatory requirement for MCI recognition. The context of writing his letter dated 10.07.2013 is clearly known to the respondent No. 3. In the normal parlance there could not be bona fide mistake in the purpose of the letter but there

may be some typing mistake in the letter. It appears that the said bona fide mistake alleged to have been made by the respondent No. 3 in his letter dated 10.07.2013 is in regard to the purpose of the letter and therefore it is not a simple bona fide mistake. However, we are not giving our final opinion in this regard.

[5] On our application of mind to the documents available in the Inquiry Report as well as in our file, something which could be collusive action of the respondents and the authority of JNIMS is made out from the supply order dated 19.11.2014 to the M/s Indian Instrument Manufacturing Company, Kolkata for supplying the HPLC machine at an escalated price. In all the supply orders, there should be specification for the machine to be supplied. Asking for supplying the HPLC machine, price of which, as per the price quotation of the M/s Zaubha Technologies & Data Services Pvt. Ltd. at Annexure – 43(A) of the Preliminary Inquiry report was only Rs. 2,253,563/- (Rupees twenty-two lakhs fifty three thousand five hundred and sixty-three) only to M/s Indian Instrument Manufacturing Company, Kolkata, at Rs. 72,87,787/- (Rupees seventy-two lakhs eighty-seven thousand seven hundred and eighty-seven) only is not prima facie acceptable. Both the HPLC machines mentioned by M/s Zaubha Technologies & Data Services Pvt. Ltd. and the HPLC machine supplied by the present supplier i.e. M/s Indian Instrument Manufacturing Company, Kolkata were manufactured by a South Korean Company. The supply order itself is in contrary to the Memorandum dated 20.07.2013 issued by the Director, JNIMS wherein it is clearly made that there should be a specification of the equipment to be supplied. Clumsy supply order dated 19.11.2014 is the collusive action of the authority concerned of the JNIMS for asking the HPLC machine at an exorbitant price. It appears from the Preliminary Inquiry report and the records available that there is no justification for purchasing the HPLC machine at the exorbitant price save and except some justifications during the course of the preliminary inquiry from the side of the supplier M/s Indian Instrument Manufacturing Company, Kolkata long after the HPLC machine was supplied at an exorbitant price.

[6] It is clear from the record that there was a proceeding of the Technical Appraisal Committee for the equipment to be supplied or purchased in respect of the department of Forensic Medicine, JNIMS. The present respondents i.e. respondent Nos. 2 and 3 were also the Subject Experts in the said Technical Appraisal Committee for purchase of the equipment in department of Forensic Medicine, JNIMS. The proceeding of the Technical Appraisal Committee is not available and as such it is not known to the Lokayukta what were the deliberations and decisions made in proceeding of the Technical Appraisal Committee and the purpose for purchasing the HPLC machine for the department of Forensic Medicine, JNIMS. Further, the Stock Register of JNIMS which should record the receipt of the items of the accessories of the HPLC machine purchased at an escalated price is also not available.

[7] It appears from the record that the respective prices of the HPLC machine manufactured by the South Korean company and that of the accessories, as per the specification to be supplied, are not clear and it also appears that the price of the accessories is three times costlier than the HPLC machine itself. There was no market survey of the price of the accessories which were three times costlier than the HPLC machine itself and as such it can be implied that a clumsy supply order was issued for supplying the HPLC machine at an exorbitant price of Rs. 72,87,787/- (Rupees seventy-two lakhs eighty-seven thousand seven hundred and eighty-seven) only.

[8] Mr. Sarangthem Hemanta Singh, MPS, Additional SP (Vigilance), who is now conducting investigation of one of the cases of Manipur Lokayukta, is directed to investigate the present case by exercising all the powers conferred under the Manipur Lokayukta Act, 2014 by registering a case taking the Preliminary report of the Inquiry Officer (Manipur Lokayukta) who conducted the Preliminary Inquiry as an Ejahar for the purpose of registration of the case. Since the present case is specially entrusted to him, he shall conduct the

investigation will full co-ordination with the Director (Inquiry), Manipur Lokayukta i.e. Mr. Koijam Radhashyam Singh, IPS, IGP (Intelligence & Narcotics & Border Affairs). In the course of investigation of the present case, he will not be under the supervision of his superior officer i.e. SP (Vigilance). It is also made clear that the investigation of the present case is in addition to his normal duty. Further, Mr. Sarangthem Hemanta Singh, MPS is directed to complete the investigation as expeditiously as possible i.e. within the stipulated period for completion of the investigation as under provided under the Manipur Lokayukta Act, 2014. Chief Secretary, Government of Manipur is to be informed accordingly.

[9] Because of the peculiar circumstances of the present case before the Manipur Lokayukta, the present position of Mr. Sarangthem Hemanta Singh, MPS, Additional SP (Vigilance), for not hampering the investigation of the present case, may not be disturbed till the completion of the investigation of the present case.

[10] Deputy Registrar, Manipur Lokayukta is directed to act accordingly by informing the Chief Secretary, Government of Manipur to taking necessary action. He is further directed to furnish a copy of this order to Mr. Sarangthem Hemanta Singh, MPS, Additional SP (Vigilance), Complainant and Respondents.

Sd/-  
**MEMBER**

Sd/-  
**CHAIRPERSON**