

COMPLAINT CASE NO. 2 OF 2019

29.01.2021

1. Perused the note dated 22.01.2021 of the Deputy Registrar, Manipur Lokayukta reporting that the Director (Inquiry), Manipur Lokayukta has submitted a Supplementary Preliminary Inquiry Report dated 18.01.2021 for the supplementary charges. Since the present Supplementary Preliminary Inquiry Report dated 18.01.2021 for the supplementary charges is in continuation of the Preliminary Inquiry Report dated 30.12.2019 which was submitted after thorough inquiry, the present Supplementary Preliminary Inquiry Report cannot be read in isolation of the Preliminary Inquiry Report dated 30.12.2019. In other words, the present Supplementary Preliminary Inquiry Report and the Preliminary Inquiry Report dated 30.12.2019 should be read together. It is also made clear that the present order is also to be read along with the our earlier order dated 22.07.2020, wherein we had taken a considered view that there exists a prima facie case for investigation by an Agency under section 20 (3) of the Manipur Lokayukta Act, 2014 against the 6 (six) officials/contractors namely,

1. Mr. K. Premkumar Singh, SE-III, PWD, Manipur.
2. Mr. O. Inaoba Singh, the then in-charge EE, TPL Division, PWD, Manipur.
3. Mr. Soiminthang Singson, In-charge EE, TPL, Division.
4. Mrs. Veineilam Haokip, In-charge AE, Sub Div – II, TPL Division.
5. Mr. Mology Maring, SO of Sub Div – II, TPL Division.
6. Mr. Hemkhopao, Special Contractor of Chassad Avenue.

However, we did not make any observation that Mr. Rouwaithang Maring, Chairman of Machi Village is free from all the charges levelled against him and we left this matter to the investigating officer. While the investigation of the present case, after registering an FIR, is under full swing, the complainant filed an application dated 14.10.2020 for the supplementary charges against 4 (four) officials/individuals namely (i) Shri Rouwaithang (Respondent No. 6) being left out in the F.I.R. without discharge from the case. (ii) Shri Ch. Bishwachandra, the then Executive Engineer of Chandel/Tengnoupal Division, PWD, Manipur. (iii) Shri Kh Temba

Singh, Chief Engineer, PWD, Manipur, and (iv) ACE-II and SE-II of PWD, Manipur as on 12th March, 2018 and 23rd March, 2018; gist of the alleged supplementary charges in the said application dated 14.10.2020 are that

(i) Shri D. Rouwaithang (Respondent No. 6) took Rs. 60,000/- (Rupees sixty thousand) from Shir Y. Ranjit, one of the Sub-Contractors of the work "Construction of Road from Khunbi to Machi – 10 Kms" and thereafter, worked allegiance to defense or conceal the offences of the accused officials of PWD, Manipur and forged documents namely Resolution of "Joint meeting with Machi Village Authority and Sub-Contractors at Mantripukhri, Imphal" dated 02.06.2018.

(ii) Shri Ch. Bishwachandra, the then Executive Engineer of Tengenoupal/Chandel Division, PWD, Manipur in connivance with Shri Soiminthang Singson (Respondent No. 3) and interested Sub-contractors, after having Criminal Conspiracy, had framed the Detailed Project Report or Preliminary Estimates with ambiguous Provisions and inflated rates upon which the Administrative Approval was accorded.

(iii) Shri Ch. Bishwachandra and Shir Soiminthang Singson (Respondent No. 3) dishonestly and fraudulently had prepared an estimate with carriage way as 3.75 meter in the portion Khunbi to Machi junction against the possible correct carriage way of 3 metre and also managed to obtain the Revised Technical Sanction and also obtained signatures of the Chief Engineer, PWD, Additional Chief Engineers and others for according the Revised Technical Sanction/Revised estimate.

2. We have perused the Supplementary Preliminary Inquiry Report dated 18.01.2021. After application of our mind we have no alternative except to make some observations which would not stand in the way of further investigation that the Inquiry Officer while conducting the Preliminary Inquiry for supplementary charges had

completely lost sight of the conspiracy angle of the Engineers and Individuals against whom the application dated 14.10.2020 has been filed for supplementary charges. For the sake of repetition, it is reiterated that by our earlier order dated 22.07.2020 passed in the present case, we had already taken our considered view that prima facie case has been made out for investigation against the Respondent Nos. 1, 2, 3, 4, 5 and 7 and however, we did not make any observation that Shri Rouwaithang Maring, Chairman of Machi Village is free from all charges. It is no more *res integra* that the investigating authority should be given free hand in conducting the investigation of a case. Even the High Court and the Supreme Court cannot direct the investigating officer to investigate in a particular manner desired by the Court and complainant inasmuch as such direction would amount to interference the free and fair investigation of the case. Accordingly, we left to the investigating officer to investigate the case fairly by following the law.

3. Since the present Supplementary Preliminary Inquiry Report dated 18.01.2021 is to be looked into along with the earlier Preliminary Inquiry Report dated 30.12.2019, keeping in view of our earlier order dated 22.07.2020, it is required to mention the factual matrix of the present case spelled out from the earlier Preliminary Inquiry Report dated 30.12.2019 and records available as on today in short. Accordingly, the factual matrix of the case spelled out from the earlier Preliminary Inquiry Order dated 30.12.2019 which was taken into consideration by us in passing our earlier order dated 22.07.2020 is that for the present contract work i.e. Improvement of Khunbi to Machi road – 10 km having two sub-heads/work items viz (i) Khunbi to Machi road (ii) Machi to SDO office road, the estimate was technically sanctioned by the Chief Engineer, PWD, Manipur on 26.02.2018.

4. By a work order No. EE/TPL/CDA/WO/2017-18/6 dated 19.03.2018 issued by O. Inaoba Singh, the then EE of TPL. Div. PWD, the present contract work was awarded to Hemkhopao (GSTIN No. 14AIGPH9586AIZB) with an estimated amount of Rs. 2,60,63,553/-. The agreement for execution of the said work and the

terms and conditions of the contract work was signed by Shri Hemkhopao, 1st Class Contractor on 19.03.2018. No Power of Attorney was signed between the contractor Hemkhopao and any Sub-contractor for execution of the work.

5. The portions of the work i.e. road from Khunbi to Machi and Machi Junction to SDO Office were blacktopped during the early months of 2018 by a group of people led by one Shri Y. Ranjit Singh of Moreh a/p Kakwa at the instance/direction of the local Hon'ble MLA, Shri Korunghang. It is a clear case that the said portion of the said contract work was executed by Shri Y. Ranjit Singh of Moreh before issuing the work order dated 19.03.2018. Shri Hemkhopao and Shri Y. Ranjit and his party collectively purported that the work of the said portion of contract work was executed after issuing the Work order dated 19.03.2018, whereas, the said work has already been completed by Shri Y. Ranjit Singh and his party before issuing the work order. The Contractor as well as the Engineers was of the view that the works executed in these two portions before the issuance of the work order can be adjusted and compensated with items of work to be executed under the present contract work order dated 19.03.2018. Shri Mology Maring, SO uploaded two photographs of blacktopped road in these two portions of road on 15.03.2018 i.e. before the issuance of work order on the project site of DARPAN and the same was updated on the same day by Shri K. Premkumar Singh, SE-III, PWD who is an approver of DARPAN even though the work progress shown is not related with the present contract work as the two photographs were uploaded before the issuance of the work order. Shri O. Inaobi Singh, the then EE, TPL Div. submitted the liability statement of 8 (eight) nos. of works including the work "Impvt. Of Khunbi to Machi road – 10 km" vide letter No. EE/TPL/Liabilities/2017-18/15 dated 21.03.2018 and proposal for release of CDA during 2017-18 vide letter No. EE/TPL/A-19/2017-18/1372 dated 21.03.2018 to SE-II, PWD for moving the competent authority for release of CDA for payment of the 1st RA.

6. It is clear from the record that the services of Engineers from other Division/Sub-Division were utilised/involved themselves for execution of the work in another Division/Sub-Division under whose jurisdiction the present contract work is executed. It appears that there is no cause and reason for utilising the service of the Engineers of another Division/Sub-Division in the Division where the present work is executed. Shri Soiminthang Singson, in charge EE/TPL Div. has submitted a proposal vide letter No. EE/TPL/ES/2017-18/80 dated 24.08.2018 to SE-III for moving the competent authority for according E/S and early release of CDA for the remaining unreleased amount of Rs. 150.00 lakhs by enclosing a statement showing liability for an amount of Rs. 150.00 lakhs purporting that physical progress is 100% after the execution of the work for 1st R/A but in fact, no amount of work was executed after payment of the 1st R/A bill. It is a common man view that item of work mentioned in the said letter of Shri O. Inaoba Singh dated 24.08.2018 for an amount of Rs. 150.00 lakhs cannot be executed with a short period. Shri K. Premkumar Singh, SE-III, PWD in spite of his knowledge about the facts, he concealed it from his senior officers and forwarded the proposal letter of EE, TPL Div. to the Chief Engineer, PWD through Addl. CE, PWD by enclosing the DARPAN copy updated by him on 15.03.2018 by showing purportedly as the work progress of the present contract work for moving the competent authority for release of funds under CDA. Shri Soiminthang Singson, in-charge EE of TPL Div. had given a misleading report to the SE-III, PWD stating that the items of work namely (i) surface dressing (ii) WBM G-II at police station & G-III at selected patches, (iii) premix carpet – 85%, (iv) GSB – Machi gate to Tengenupal Sansak road have been completed. Shri Soiminthang Singson had full knowledge of the fact that the work was sub-standard and quality was not been maintained in those portion of work although he had visited the work site may times with his subordinate staff to check the quality of the work. One Shri R.K. Okendro Singh, SW to ACE-I, RED, Technical Appraisal team vide his letter dated 25.11.2019 submitted the inspection report reporting that there are technical errors in the execution of the works and works were not executed in terms of the standard prescribed for the contract work.

In other words the executed works are sub-standard. Finally, the Inquiry Officer had come into the following findings in the Preliminary Inquiry Report dated 30.12.2019:

“From the above facts and findings, it is transpired that the misconduct of Shri K. Premkumar Singh, SE-III, PWD, Shri O. Inaoba Singh, the then in charge EE (now retired), Shri Soiminthang Singson, in charge EE, Smt. Veineilam Haokip, in charge AE, and Ch. Mology Maring, SO all of Tengnoupal Division, PWD while performing their official duties in collusion with Hemkhopao Haokip, Spl. Contractor with vested interest in connection with the implementation of the work “Impvt. Of Khunbi to Machi Road – 10 km” has amounted to :-

- “1) Violation of Rule 136.(1).(VII) of General Financial Rules, 2017.**
- 2) Violation of Rule No. 3.(1).(i).&(iii) and Rule No. 3.(2).(i).(iii). & (iv) of CCS (Conduct) Rules, 1964.**
- 3) Violation of Section 5.2.3.(1), Section 7.7.(1), Section 7.10.1.(1), Section 9.4 Appendix – 11 (6) and Section 23.2.(1).(i) of CPWD manuals, 2014.**
- 4) Execution of sub-standard works and non-maintenance of quality work.**
- 5) Execution of works not in conformity with the Technical sanction/revised Estimate.**
- 6) Conspiracy amongst themselves in deceiving and misleading the senior officers and the competent authorities to release funds by giving wrong information and concealing the true facts.**
- 7) Overpayment by reflecting measurement of works executed in excess in MB.**
- 8) Delivering amounts of money through payment of bills to Hemkhopao Haokip, Spl. Contractor (GSTIN No. 14AIGPH9586AIZB) for which he is not entitled to be paid.**

9) **Loss and embezzlement of Govt. money.**

Thus, a prima facie evidence has been well established of the gross irregularities as mentioned in the preceding Para to have committed by the officials of the PWD Deptt. Namely (1) Shri K. Premkumar Singh, Superintending Engineer, Circle – III, PWD, Manipur, (2) Shri Oinam Inaoba Singh, S/o (L) O. Mani Singh of Khongman Zone – IV West, PS Irilbung, Imphal East District, the then in charge Executive Engineer (now retired), (3) Shri Soiminthang Singson, in charge Executive Engineer, (4) Smt. Veineilam Haokip, in charge Assistant Engineer, and (5) Shri Ch. Mology Maring, Section Officer, all of Tengnoupal Division, PWD in collusion with (6) Hemkhopao Haokip, S/o (L) Paokhotong Haokip of Chassad Avenue, PS Porompat, Imphal East District, Spl. Contractor (GSTIN No. 14AIGPH9586AIZB).”

7. In the earlier Preliminary Inquiry Report dated 30.12.2019, there was a finding of the Inquiry Officer that there was conspiracy amongst the Engineers/present respondents in deceiving and misleading the senior officer and competent authority to release the fund by giving wrong information and concealing the true facts and also effected loss and embezzlement of Government money. As stated above, the same Inquiry Officer while conducting the further inquiry for the supplementary charges levelled against (i) Shri Rouwaithang (Respondent No. 6) being left out in the F.I.R. without discharge from the case. (ii) Shri Ch. Bishwachandra, the then Executive Engineer of Chandel/Tengnoupal Division, PWD, Manipur. (iii) Shri Kh Temba Singh, Chief Engineer, PWD, Manipur, and (iv) ACE-II and SE-II of PWD, Manipur as on 12th March, 2018 and 23rd March, 2018, has completely lost sight of the conspiracy angle amongst themselves i.e. the respondents against whom application is filed in the peculiar fact of the case. The Inquiry Officer did not make any inquiry as to whether Chief Engineer, PWD and Additional Chief Engineer, PWD, who are the party in the preparation and finalisation of Revised Estimate of the present contract work, has a direct or indirect knowledge of the procedural irregularities and the concocted

facts alleged above. In the given facts and circumstances, it is not the point that whether the Chief Engineer and the Additional Chief Engineer concerned had power to approve the revised estimate or not but the question concerned in the inquiry by the Inquiry officer is that whether they have misused their power or committed mistake in exercising the power in preparing/finalising the revised estimate for the present contract work and also whether time period/time for preparation of the revised estimate in the present case is proper or not.

8. For the foregoing discussions, we accordingly ordered that the present Supplementary Inquiry Report dated 18.01.2021 should not be read disjunctively with the earlier Preliminary Inquiry Report dated 30.12.2019. In other words, earlier Preliminary Inquiry Report and Supplementary Inquiry Report be read together; and while reading the Supplementary Inquiry Report dated 18.01.2021, our earlier order dated 22.07.2020 should be in mind. It is further ordered that the Supplementary Inquiry Report dated 18.01.2021 should not stand in the way of proper and free investigation by the Investigating Officer, who is now conducting the investigation of the present case. It is left to the Investigating Officer to see who are involved in the present case and submit his report.

9. As the time for completion of the investigation of the present case is running out, Deputy Registrar, Manipur Lokayukta is directed to send a copy of the application dated 14.10.2020 filed by the complainant and the Supplementary Inquiry Report dated 18.01.2021 along with a copy of this order to **Mr. Sarangthem Hemanta Singh, MPS, Additional SP (Vigilance)** for completing the investigation at the earliest.

10. Await report from the Investigating Officer.

Sd/-
MEMBER

Sd/-
CHAIRPERSON