

COMPLAINT CASE NO. 2 OF 2020

29.04.2022

1. Mr. M. Devananda Singh, Advocate entered appearance on behalf of Secretary (Power), Government of Manipur. Both the complainant and his Power of Attorney Holder also appeared in person.
2. We have also perused a letter of the Deputy Secretary (Power), Government of Manipur being No. 1/10/2019-Power dated 28.04.2022 addressed to the Deputy Registrar, Manipur Lokayukta informing that "Further, that the State Cabinet has deferred the matter with a direction to Power Department to re-submit for consideration of the Cabinet after incorporating the decision of the Hon'ble High Court of Manipur in the pending writ petitions." And, after perusal of the above letter dated 28.04.2022, we observe that under what circumstances Cabinet deferred the matter. We are not passing any order in the absence of written report from the side of the Power Department, Government of Manipur.
3. Mr. M. Devananda Singh, learned counsel appearing for Secretary (Power), Government of Manipur is directed to submit an Affidavit on behalf of the Secretary (Power), Government to appraise us as to whether:
 - i) Has the High Court of Manipur passed any interim order(s) in the cases pending before the High Court?
 - ii) Has the State Government taken its own decision?
 - iii) Has the High Court bar the State Government to wait for taking a decision and as to how decision is to be taken on the recommendation of the Lokayukta or not?
4. In a number of cases, the Apex Court has already held that judiciary will not take it happily if the judiciary is asked to take decision which is to be taken by the State Government. In other words, Supreme Court in a plethora of cases had already expressed the view that decision/matter which is to be taken by the Government, Government is to take the decision.
5. List this case on 20.05.2022 for filing of Affidavit of the Secretary (Power), Government of Manipur incorporating the questions asked for by the Manipur Lokayukta in the above paras.
6. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order to the parties.

Sd/-
MEMBER

Sd/-
CHAIRPERSON