

COMPLAINT CASE NO. 3 OF 2021

29.06.2022

1] Perused the Preliminary Inquiry Report submitted by the Inquiry Officer and also the comments of the concerned public servants and competent authority to the Preliminary Inquiry Report.

2] After receiving the Preliminary Inquiry Report as provided under Section 20 (3) of the Manipur Lokayukta Act, 2014, we have to decide whether there exists a prima facie case after giving opportunity of being heard to the public servants and others against whom the Preliminary Inquiry Report has been submitted to proceed with any one of the following actions 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;
- (c) closure of the proceedings against the public servant and to proceed against the complainant under section 47.

3] Sub-section (3) of Section 20 does not provide the directory period during which the Manipur Lokayukta has to take the decision as provided under Sub-section (3) of Section 20 of the Manipur Lokayukta Act, 2014. Even if, period for taking decision under Sub-section (3) of Section 20 is not provided thereunder, the Manipur Lokayukta makes an endeavour to take the decision as early as possible.

4] At the outset, it is pertinent to mention that the present complaint relates with 8-Chramram (Saramba) District Council Constituency under Autonomous District Council, Tamenglong. 8-Chramram (Saramba) District Council Constituency is located within the sub-division of Tousem, Tamenglong District, Manipur with 11 villages viz; Azuram, Chramram, Thiulon, Vanchengphai, Taolopangjang, Impa-Nkang, Atengba, Impaningdi, Charinapang, Chingkao and New Chingkao. It is alleged in the present complaint filed by Shri Kiudiyang Riamei against Shri Micah Panmei, former Executive Member, ADC, Tamenglong and his men (workers) that under 3rd State Finance Commission, 14th Finance Commission and 15th Finance Commission Award, funds for developmental

works of about Rs. 1.5 Crores were sanctioned by the Government of Manipur for 8-Chramram (Saramba) DCC under Autonomous District Council, Tamenglong, work orders were issued to the workers of Shri Micah Panmei for execution of the developmental works and to the tune of more than Rs. 1.1 Crores out of the total sanctioned amount were not executed at all though the money for execution of work had been withdrawn and therefore, they have committed offences punishable under Section 403, 420 IPC r/w Section 13 of the Prevention of Corruption Act, 1988.

5] In support of the allegations made in the complaint, the complainant also produced copies of the relevant work orders, sanction orders and copies of the DO letters of the member of 8-Chramram (Saramba) District Council Constituency for nominating his agencies for the different works for 8-Chramram (Saramba) District Council Constituency and also the certificates issued by the Chairman of the Village Authority of the 11 (eleven) villages mentioned above that many of the works, for which the fund had been sanctioned had not been executed and the fund had been misappropriated and also the status of the un-executed works under 3rd State Finance Commission, 14th Finance Commission and 15th Finance Commission awarded in respect of 8-Chramram (Saramba) District Council Constituency of Autonomous District Council, Tamenglong.

6] After careful perusal of the complaint and the evidence in support of the allegations made in the complaint produced by the complainant, we had passed an order dated 01.03.2021 in the present complaint that we are of the considered view that prima facie material has been made out for conducting preliminary inquiry against the respondents and accordingly, directed the Director (Inquiry), Manipur Lokayukta to conduct a preliminary inquiry and submit the report within the period provided under Section 20 of the Manipur Lokayukta Act, 2014 and Manipur Lokayukta Rules, 2018. Director (Inquiry), Manipur Lokayukta entrusted the matter for conducting the preliminary inquiry to Shri P. Shanker Singh, Addl. SP of the Inquiry Wing, Manipur Lokayukta. However, because of the difficulties in completing the

preliminary inquiry within the stipulated period mentioned in the Manipur Lokayukta Act, 2014, Manipur Lokayukta passed reasoned orders to extent the period for completion of the preliminary inquiry.

6.1] In the course of conducting the preliminary inquiry, the Inquiry Officer submitted necessary application for constitution of a technical team for assisting the inquiry officer in ascertaining as to whether the work had been properly executed or not and also as to whether the measurement of the works had been properly entered in the MBs or not. After considering the requirement of constituting a technical team for better conducting the preliminary inquiry by the Inquiry Officer, we passed an order dated 16.03.2021 for constituting a technical team consisting of (i) Mr. N. Khelemba, SW/ACE-II (from the PWD, Manipur) and (ii) Mr. Maibam Raju Singh, Executive Engineer of DRDA, Imphal West (from the RD&PR Department, Govt. of Manipur).

7] In the Preliminary Inquiry Report, it is stated that the inquiry officer along with the technical team had conducted spot inspections of the works alleged to have been executed for 8-Chramram (Saramba) District Council Constituency under Autonomous District Council, Tamenglong on 24.04.2021 and 25.04.2021. At the time of spot inspection, the staff of Autonomous District Council, Tamenglong were also accompanied with the Inquiry Officer and the technical team. In the Preliminary Inquiry Report, it is stated that different works for which sanction had already been made under 3rd State Finance Commission, 2017-2018; 3rd State Finance Commission, 2018-2019; 14th Finance Commission, 2017-2018; 15th Finance Commission, 2020-2021 were issued in favour of the work agencies nominated by Shri Micah Panmei, Member, 8-Chramram (Saramba) District Council Constituency and Shri Namsinrei Panmei, former Chairman, ADC, Tamenglong, at present Care-taker, Chairman, ADC, Tamenglong and also mentioned the list of the Chief Executive Officers of ADC, Tamenglong viz,

List of Chief Executive Officer of ADC, Tamenglong:

<i>Sl. No</i>	<i>Name of the Officer</i>	<i>Tenure</i>
1	D Gangmei, MCS	2017-June/ July2019
2	Kajaigai Gangmei, MCS	July2019- Sept/Oct2020
3	D Meidinbui, MCS	November, 2020- till date

7.1] The Preliminary Inquiry Report is also enclosed with a copy the inspection report and also the status of the MB. The Preliminary Inquiry Report also mentioned the irregularities committed by the officials/individuals which read as follows :

“Irregularities/ offences of the Officials/Individuals:

1. Shri Namsinrei Panmei (Chairman) nominated the following work agency Mr Athon of Azuram Village for construction of Slab Culvert over Joujipangthok Stream, Azuram and no work has been carried out. He is guilty of official misconduct and criminal conspiracy.
2. Shri Micah Panmei (Member) nominated the following work agencies namely Shri Pouchunlung, Shri Chungaigong and Shri Jiangamlung for carrying out construction works in 8-Saramba segment. The works were not carried out as per spot inspection. So, he has violated the rules of the Work Orders as well as conspired to misappropriate the sanctioned amount.
3. Shri Kajaigai Gangmei (the then CEO) claimed that No Deductions have not been made from the sanctioned amount which is highly irregular because as per the instructions regarding deductions (please refer Govt orders at page 102), agency charges and other deductions are attracted. Moreover, the Govt orders (attached as page 103) specifically mentions the preparation of cost estimates which include labour Cess and other charges. From the MB entries and Bill Registers (page 47&52) as shown by the technical report, it is noted that no Final Bill settlement has been done. So, he is guilty of official misconduct and connived with others to defraud the sanctioned amount.
4. Mr Pouchunlung of Ward no 1, Council Colony, Tamenglong did not complete the project/ work as per agreement laid down in the Work Order.

5. Mr Athon of Azuram Village, Tousem Sub-Division did not complete the project/ work as per agreement laid down in the Work Order.
6. Mr Chumgaigong/Chamgaiguang of Council Colony, Ward no 1, Tamenglong HQs have not carried out any construction/ development of the work orders assigned to him.

Therefore, the above individuals are guilty of criminal conspiracy and misappropriation of sanctioned amount meant for the development of 8-Saramba segment.”

7.2] The Preliminary Inquiry Report also contains the discussions of the written comments of the respondents against whom the Preliminary Inquiry Report has been submitted. The discussion portion of the Preliminary Inquiry Report read as follows :

“Discussion on the written comments:

The competent authority u/s 2 (1) c (iv)&(v) of Manipur Lokayukta Act,2014 conveyed approval/consent for initiating necessary actions.(page no108-109)

The Caretaker Chairman being competent authority has commented that the allegation of non-execution of works in the complaint is unfounded. (page no113-115)

In the documents attached here as page 116-155 submitted by the former ADC member to the Chairman, ADC, TML, it may be noted here that Shri K Rampisin, Chairman, Thiulon Village Authority has signed to certify completion of the projects in the village area with different signatures dissimilar to one another in the pages 120,123,126,129 etc. Moreover, the photo submitted included works of sub-standard quality and meeting no specifications as per work order as in the project of Construction of public toilet @Taolopangjang in page no 124 under 3rd SFC that has been built using tin sheets. It should be considered here that no completion report regarding 8-Saramba Segment under 14th FC, 15th FC have been provided by the ADC Office so far on requisition due to non-submission of completion of works with photos by the work agencies/members etc (please refer page 165-166).

7.3] The conclusion of the Preliminary Inquiry Report read as follows :

“Conclusion

So, from the evidence on record, prima facie evidence of criminal conspiracy and misappropriation of sanctioned amount by the following individuals namely (i) ADC Chairman Shri Namsinrei Panmei (ii) ADC Member Shri Micah Panmei (iii) the then CEO Kajaigai Gangmei (iv) Shri Lalsang (Work agency) (v) Shri Pouchunlung (Work agency) (vi) Shri Athon (Work agency) (vii) Shri Chungaigong (Work agency) has been well established and are charged for offence punishable u/s 13 PC Act & 120-B/34 IPC. Moreover, due to the irregular actions of the above public servants, namely (i) ADC Chairman Namsinrei Panmei (ii) ADC Member Micah Panmei (iii) then CEO Kajaigai Gangmei, unauthorized liability is accounted for and the above officials/individuals are charged u/s 5 Manipur Public Servants’ Personal Liability Act, 2006. Therefore, the officials and the following individuals namely (i) ADC Chairman Shri Namsinrei Panmei (ii) ADC Member Shri Micah Panmei (iii) the then CEO Kajaigai Gangmei (iv) Shri Pouchunlung (Work agency) (v) Shri Athon (Work agency) (vi) Shri Chungaigong (Work agency) are charged for offence punishable u/s 13 PC Act, 120-B/34 IPC & u/s 5 Manipur Public Servants’ Personal Liability Act, 2006.”

8] On careful perusal of the Preliminary Inquiry Report and materials available in the record more particularly the documents i.e. written comments and others and documents annexed to the Preliminary Inquiry Report, it appears that Preliminary Inquiry Report made a finding that prima facie case is established for committing the offences punishable under Section 13 PC Act, 120-B/34 IPC and under Section 5 of Manipur Public Servants’ Personal Liability Act, 2006 against:

- i) ADC Chairman, Shri Namsinrei Panmei;
- ii) ADC Member Shri Micah Panmei;
- iii) the then CEO, Kajaigai Gangmei;
- iv) Shri Lalsang (Work agency);
- v) Shri Pouchunlung (Work agency);
- vi) Shri Athon (Work agency); and
- vii) Shri Chungaigong (Work agency).

9] The above persons against whom the Preliminary Inquiry Report is submitted are made respondents in the present case.

10] Deputy Registrar, Manipur Lokayukta is directed to issue notice to the complainant as well as to the respondents for appearance on **18.07.2022**.

Sd/-
MEMBER

Sd/-
CHAIRPERSON