

BEFORE
MANIPUR LOKAYUKTA
3rd Floor, Directorate Complex, 2nd M.R., North AOC, Imphal

--
COMPLAINT CASE NO. 3 OF 2020

In the matter between:

1. Gonmei Kuripou, aged about 39 years, S/o Gonglum Gonmei, a resident of Thangal Village, P.O. & P.S. Noney, Noney District, Manipur.
2. Gailachung Kamei, aged about 44 years, S/o Ningchanglung Kamei, a resident of Noney Village, P.O. & P.S. Noney, Noney District, Manipur.

... **Complainants**

-Vs-

- (i) Shri Namsinrei Panmei, Chairman, ADC, Tamenglong.
- (ii) Shri SG Pammei (Vice Chairman), ADC, Tamenglong.
- (iii) Shri Pouhutlung Panmei, Executive members of the Executive Committee of ADC, Tamenglong.
- (iv) Shri TP Sangjeuying, Executive members of the Executive Committee of ADC, Tamenglong.
- (v) Shri Halthing Doungel, Executive members of the Executive Committee of ADC, Tamenglong.
- (vi) Shri Lungin Gangte, Executive members of the Executive Committee of ADC, Tamenglong.
- (vii) ~~Shri G Apoukhui, Executive members of the Executive Committee of ADC, Tamenglong~~ (deleted vide order dated 01.09.2021).
- (viii) Shri D Gangmei, the then CEO, ADC, Tamenglong;
- (ix) Mrs. Prabahati Pamei (58) EE, Engineering Cell, Tamenglong.
- (x) Shri Daniel Philip (58) AE, Engineering Cell, Tamenglong.
- (xi) Shri L. Premjit Meitei (46) AE I/C, Engineering Cell, Tamenglong.
- (xii) Shri Agui Gangmei (40) S.O., Engineering Cell, Tamenglong.
- (xiii) Mrs. Duangakliu K (45) S.O., Engineering Cell, Tamenglong.
- (xiv) T A Shri Gaidim, Engineering Cell, Tamenglong.

- (xv) Shri B. Thambou, Member, ADC, Tamenglong.
- (xvi) Shri Zino Kamei, Member, ADC, Tamenglong.
- (xvii) Shri Kamei Khiakpou, Member, ADC, Tamenglong.
- (xviii) Shri Poulunthui Rongmei (73), Member, ADC, Tamenglong.
- (xix) Shri Meirijin Rongmei Naga, Member, ADC, Tamenglong.
- (xx) Shri Alar Thoitak, Member, ADC, Tamenglong.
- (xxi) Shri Tadinang Gangmei, Member, ADC, Tamenglong.
- (xxii) Shri Kaningmei, Member, ADC, Tamenglong.

..... **Respondents/Opposite Parties**

WITH

COMPLAINT CASE NO. 9 OF 2021

In the matter between:

Shri Yambem Sanjit Meetei aged about 36 years, S/O Y. Kulla Meitei of Bamon Kampu Yambem Leikai, P.O. – Canchipur, P.S. Iriblung, Imphal East District, Manipur.

... ***Complainant***

-Vs-

- (i) Shri Namsinrei Panmei, Chairman, ADC, Tamenglong.
- (ii) Shri SG Pammei (Vice Chairman), ADC, Tamenglong.
- (iii) Shri Pouhutlung Panmei, Executive members of the Executive Committee of ADC, Tamenglong.
- (iv) Shri TP Sangjeuying, Executive members of the Executive Committee of ADC, Tamenglong.
- (v) Shri Halthing Doungel, Executive members of the Executive Committee of ADC, Tamenglong.
- (vi) Shri Lungin Gangte, Executive members of the Executive Committee of ADC, Tamenglong.
- (vii) ~~Shri G Apoukhui, Executive members of the Executive Committee of ADC, Tamenglong (deleted vide order dated 01.09.2021).~~
- (viii) Shri D Gangmei, the then CEO, ADC, Tamenglong;
- (ix) Mrs. Prabahati Pamei (58) EE, Engineering Cell, Tamenglong.

- (x) Shri Daniel Philip (58) AE, Engineering Cell, Tamenglong.
- (xi) Shri L. Premjit Meitei (46) AE I/C, Engineering Cell, Tamenglong.
- (xii) Shri Agui Gangmei (40) S.O., Engineering Cell, Tamenglong.
- (xiii) Mrs. Duangakliu K (45) S.O., Engineering Cell, Tamenglong.
- (xiv) T A Shri Gaidim, Engineering Cell, Tamenglong.
- (xv) Shri B. Thambou, Member, ADC, Tamenglong.
- (xvi) Shri Zino Kamei, Member, ADC, Tamenglong.
- (xvii) Shri Kamei Khiakpou, Member, ADC, Tamenglong.
- (xviii) Shri Poulunthui Rongmei (73), Member, ADC, Tamenglong.
- (xix) Shri Meirijin Rongmei Naga, Member, ADC, Tamenglong.
- (xx) Shri Alar Thoitak, Member, ADC, Tamenglong.
- (xxi) Shri Tadinang Gangmei, Member, ADC, Tamenglong.
- (xxii) Shri Kaningmei, Member, ADC, Tamenglong.

..... **Respondents/Opposite Parties**

B E F O R E

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

For the Complainants of
Complaint Case No. 3 of
2020 :

Mr. L. Sevananda Sharma, Advocate
Mr. L. Khuo Taishya, Advocate

For the Respondents of
Complaint Case No. 3 of
2020 :

Mr. M. Gunedhor, Advocate,
Mr. A. Arunkumar , Advocate for
Respondent Nos.
1,2,3,4,,5,6,8,9,10,11,12,13,14,15,16,
17,18,19 and 21.
Mr. Juno Rahman S, Advocate for
Respondent Nos. 20 and 22.

For the Complainant of
Complaint Case No. 9 of
2021 :

Mr. Ajoy Pebam, Advocate
Mr. N. Alex Meitei, Advocate

For the Respondents of
Complaint Case No. 9 of
2021 :

Mr. M. Gunedhor, Advocate,
Mr. A. Arunkumar , Advocate for
Respondent Nos.
1,2,3,4,,5,6,8,9,10,11,12,13,14,15,16,
17,18,19 and 21.
Mr. Juno Rahman S, Advocate for
Respondent Nos. 20 and 22.

DATE OF ORDER : 07.01.2022

JUDGMENT AND ORDER

1. This common judgment and order is for Complaint Case No. 3 of 2020 and Complaint Case No. 9 of 2021; and for our convenience, the Complaint Case No. 3 of 2020 is taken up as leading case for consideration and discussion of the fact of the case and the Preliminary Inquiry Report submitted therein.

2. Heard Mr. L. Sevananda Sharma, learned counsel appearing for the Complainant of Complaint Case No. 3 of 2020 and Mr. N. Alex Meitei, learned counsel appearing for the Complainant of Complaint Case No. 9 of 2021. Also heard, Mr. M. Gunedhor, learned counsel appearing for the Respondent Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 21 for both the Complaint Cases i.e. Complaint Case No. 3 of 2020 and Complaint Case No. 9 of 2021. Heard Mr. Juno Rahman S, learned counsel appearing for Respondent Nos. 20 and 22 of Complaint Case No. 3 of 2020 and Complaint Case No. 9 of 2021.

3. The present judgment and order is, as provided under Section 20 (3) of the Manipur Lokayukta Act, 2014, for deciding the point as to whether there exists a *prima facie* case, and proceed with one or more 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; and (c) closure of the proceedings against the public servant and to proceed against the complainant under section 47. Even if, this judgment and order is only for the preliminary point, parties are given sufficient opportunity to submit their written comments and also to submit their oral submissions in the course of the hearing of the present case. Since the present judgment and order is in the nature of interlocutory order not the final order, very detailed discussions to the extent as to whether prosecution has proved the prosecution case beyond reasonable doubt that the Respondents had committed the offences mentioned in the Preliminary Inquiry Report dated 21.06.2021 or not is not required.

4. In the course of the hearing of Complaint Case No. 3 of 2020, a report has been received that respondent no. 7 (Shri G. Apoukhui, Executive Member of the Executive Committee of ADC, Tamenglong) had expired. Accordingly, we direct the Police to submit a report for ascertaining as to whether the respondent No. 7 had expired or not. The Police had submitted a report that the respondent No. 7 (Shri G. Apoukhui, Executive Member of the Executive Committee of ADC, Tamenglong) had expired on 28.11.2021 at 1:30 am at RIMS Hospital, Imphal and also produced a Death Certificate. Accordingly, we passed an order dated 01.09.2021 in Complaint Case No. 3 of 2020 for striking off/deleting the name of Respondent No. 7 from the list of the respondents of the present case.

5. We reiterate that we are not passing any judgment and order for convicting the respondents for the offences mentioned in the Preliminary Inquiry Report dated 21.06.2021. At the same time, we are not making any final finding against the respondents in the present judgment and order as it will be in the way of giving free hand to the investigating agency to investigate the case made out in the detailed Preliminary Inquiry Report.

6. Succinct fact of the case of the complainants sufficient for passing the present judgment and order are briefly noted hereunder. Even if, the erstwhile Tamenglong District was bifurcated into two districts namely Tamenglong District and Noney District, the newly created Noney District is still under the jurisdiction of Autonomous District Council, Tamenglong. The Central Government has sanctioned funds in terms of crores of rupees with the aim to develop the district in all the sphere through the state Government to the Autonomous District Council, Tamenglong. The Government of Manipur under the letter of the Deputy Secretary (Tribal Affairs & Hills), Govt. of Manipur being No. 19/2/2017-CHA/FC dated 27/02/2018 released the grant to the Chief Executive Officer, Autonomous District Council, Churachandpur/ Chandel/ Kangpokpi/ Senapati/ Tamenglong/ Ukhrul under the 14th Finance Commission for areas not included in Part IX and IX A of the Constitution in respect of Tribal Affairs & Hills Development, Manipur.

The total amount of fund released for the 6 (six) Autonomous District Councils of the state of Manipur under the said letter dated 27.02.2018 are as follows :

Sl. No.	Name of ADC	Total population as per census of India, 2011	Percentage of total population as per census of India, 2011	Amount allocation of 90% in rupees
(1)	(2)	(3)	(4)	(5)
1	Churachandpur	2,74,143	22.4%	Rs. 28,98,40,320/-
2	Tamenglong	1,40,651	11.5%	Rs. 14,88,01,950/-
3	Senapati	2,85,404	23.4%	Rs. 30,27,79,620/-
4	Sadar Hills/KPI	1,93,744	15.8%	Rs. 20,44,40,940/-
5	Ukhrul	1,83,998	15.1%	Rs. 19,53,83,430/-
6	Chandel	1,44,182	11.8%	Rs. 15,26,83,740/-
	G/Total	12,22,122	100%	Rs. 129,39,30,000/-

Sl. No.	Name of ADC	Area (sq. km)	Amount allocation of 10% as per Area	Total amount in rupees
(1)	(2)	(3)	(4)	(5)
1	Churachandpur	4570	22.75%	Rs. 3,27,07,675/-
2	Tamenglong	4391	21.86%	Rs. 3,14,28,122/-
3	Senapati	1885	9.39%	Rs. 1,35,00,003/-
4	Sadar Hills/KPI	1386	6.89%	Rs. 99,05,753/-
5	Ukhrul	4544	22.61%	Rs. 3,25,06,397/-
6	Chandel	3313	16.50%	Rs. 2,37,22,050/-
	G/Total	20089	100%	Rs. 14,37,70,000/-

6.1 It is also stated that the following sanction orders had been issued by the Government of Manipur for development of the Autonomous District Council, Tamenglong :-

- (a) Vide Secretariat TAH letter No. 19/2/2017-CHA/FC dated 26.03.2018 amounting to Rs. 14,88,01,950/- (Rupees fourteen crores eight lakhs one thousand nine hundred fifty) only; and
- (b) Vide secretariat TAH letter No. 19/2/2017-CHA/FC dated 26.03.2018 amounting to rs. 3,14,28,122/- (Rupees three crores fourteen lakhs twenty eight thousand one hundred and twenty two) only.

6.2 The complainants has alleged that as per the information, the Autonomous District Council, Tamenglong had expended a sum of Rs. 18,02,30,072/- (Rupees eighteen crores two lakhs thirty thousand and seventy two) only but on the inspection of the spot where the works were supposedly executed, the complainants found that most of the

works have not been executed and on the contrary the expenditure meant for the said developmental works were released by the respondent No. 8, D. Gangmei, the then CEO, ADC, Tamenglong (now conferred IAS, designated as Additional Deputy Magistrate (ADM), Ukhurul) to the so called executing agency without verifying the correctness of the alleged executed works. It is also alleged that the respondents in connivance with the executing agency and other officials of the Autonomous District Council, Tamenglong had shown undue favour to the implementing agency in awarding the developmental works despite many default/error in the process of awarding the work in furtherance of their criminal conspiracy. It is also alleged that various developmental works alleged to have been executed by the implementing agency in collusion with the respondents for the Tamenglong district are :-

- (i) Development of inter village roads;
- (ii) Construction of water tanks/reservoirs;
- (iii) Construction of public toilets;
- (iv) Construction of waiting sheds;
- (v) Construction of pucca drainages/water storm drainages;
- (vi) Improvement of playgrounds;
- (vii) Construction of community halls and village authority offices;
- (viii) Extension/improvement of primary schools; and
- (ix) Setting up of solar street lightings etc.

7. After careful perusal of the facts alleged in the complaint and also the supporting documents we were of the considered view that a Preliminary Inquiry against the respondents and the Members of Autonomous District Council, Tamenglong to ascertain if there exists a prima facie case for proceeding in the matter as provide under Section 20 (1) of the Manipur Lokayukta Act, 2014 is required and accordingly, we directed the Inquiry Wing, Manipur Lokayukta to conduct a Preliminary Inquiry and submit the report within the period provided under section 20 (1) of the Manipur Lokayukta Act, 2014. While passing our order dated 02.11.2020 for conducting a Preliminary

Inquiry on the facts alleged in the complaint against the respondents, we are in view of the settled position of law that for initiating the machinery of criminal investigation, the First Information Report need not be encyclopaedia of the events. It is not necessary that all the relevant and irrelevant facts in details should be stated therein (reference : SCC in **Bishna alias Bhiswadeb Mahato & Ors. Vs. State of West Bengal AIR 2006 SC 302**). Relevant portion i.e. para 47 of the AIR in Bishna's case (supra) read as follows :

“47. The First Information Report, it is well settled, need not be encyclopaedia of the events. It is not necessary that all the relevant and irrelevant facts in details should be stated therein.”

8. Considering some technicality involved in verifying as to whether the works alleged to have been executed by the Members of the Autonomous District Council, Tamenglong through their implementing agency in collusion with the other respondents is in compliance with the condition and specification required for executing the works under the different work orders and guidelines issued by the Government of Manipur as well as the Central Government in this regard, we on the prayer of the Inquiry Officer, passed an order dated 03.02.2021 in Misc. Case No. 1 of 2021 (Ref. : Complaint Case No. 3 of 2020) for constituting a Technical team to assist the Inquiry Officer in ascertaining as to whether the works have been properly executed or not and also as to whether the measurement of the works alleged to have been executed have been entered properly in the Measurement Books (MB). Para 2 of our order dated 03.02.2021 read as follows :

“2. After receiving the list of the Panel, mentioned above, we are of the considered view that a Technical Team consisting of at least 2 (two) Engineers may be proper to assist the inquiry officer in ascertaining as to whether the works have been properly executed or not and also as to whether the measurement of the works alleged to have been executed have been entered properly in the Measurement Books (MB). Accordingly, a Technical Team consisting of (i) Mr. N. Khelemba, SW/ACE-II (from the PWD, Manipur) and (ii) Mr. Maibam Raju Singh, Executive Engineers of DRDA, Imphal West (from the RD&PR Department, Govt. of Manipur) is

constituted to assist the Inquiry Officer of the present case. The Chief Engineer, PWD, Manipur and the Commissioner/Administrative Secretary (RD&PR), Government of Manipur are directed to make the service of the said Engineers available for assisting Inquiry Officer in the matters mentioned above as and when necessary.”

9. We have also taken extreme care to comply with the provisions prescribed in the procedure in respect of the Preliminary Inquiry and investigation more particularly the time period for completing certain stage of inquiry which are directory in nature. In the procedure prescribed for conducting the Preliminary Inquiry and investigation under Chapter VII of the Manipur Lokayukta Act, 2014 there is no penal consequences or consequences for not strictly following the period prescribed for completing certain stage of inquiry nor there is provision for not allowing the Manipur Lokayukta to extend the time period which is directory in nature on exceptional circumstances. We are also of the clear opinion that on non-completion of the Preliminary Inquiry at certain stage within the stipulated period mentioned in the said procedure part under Chapter VII of the Manipur Lokayukta Act, 2014 no right has been accrued to the respondents nor right and liberty of the respondents have been violated inasmuch as the respondents were never in the custody of the Inquiry Officer while conducting the Preliminary Inquiry. While considering the exceptional circumstances for not enabling the Inquiry Officer to complete a particular stage of the Preliminary Inquiry within the stipulated period mentioned in the procedure for conducting the inquiry, the learned counsels appearing for the respondents strenuously contended by referring to Proviso (a) to Section 167 (2) Cr.P.C. that no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding, - (i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term not less than ten years; (ii) sixty days, where the investigation relates to any other offences, and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail, no order for extension of the period for completion of different stage in the course of the proceeding of the Preliminary Inquiry should be passed.

10. With utmost respect to the learned counsels appearing for the respondents, we are of the considered view that the learned counsel for the respondents has misread the provisions prescribed for completion of the different stage of Preliminary Inquiry in the Manipur Lokayukta Act, 2014 by keeping in juxtaposition with the said provision prescribed in the Cr.P.C. The said provision prescribed in Cr.P.C. started with the non-obstante clause “no Magistrate shall authorise the detention of the accused person in custody...” The said provision in the procedure of investigation is a substantial law in nature inasmuch as under that provisions Magistrate is barred from passing order for detaining the accused after the expiry of the period mentioned therein. Such detention will amount to denial of right and liberty of the accused person as guaranteed under Article 21 of the Constitution of India. It is not so, in the case in our hand in passing the order for extending the period prescribed for completing the different stage of inquiry as it is directory in nature. We passed different order for extending the period for completing the different stage of inquiry. In our last order dated 19.11.2021 for extending the period of Preliminary Inquiry, we have discussed in threadbare regarding the procedure in respect of Preliminary Inquiry and investigation prescribed under Chapter VII of the Manipur Lokayukta Act, 2014 and also the exceptional circumstances for extending the period for completion of the different stage of Preliminary Inquiry. The relevant portion i.e. para nos. 4, 5, 6, 7, 8, 9, 10 and 11 read as follows :

“4. The Hon’ble Supreme Court (3 Judges) in Salem Advocate Bar Association, T.N. Vs. Union of India (2005) 6 SCC 344 held that the rules of procedure are made to advance the cause of justice and not to defeat it. Construction of the rule of or procedure which promotes justice and prevents miscarriage has to be preferred. The rules of procedure are the handmaid of justice and not its mistress. Further, the Hon’ble Supreme Court (Constitution Bench) in Rupa Ashok Hurra Vs. Ashok Hurra and Another (2002) 4 SCC 388 held that manifest injustice is curable in nature rather than incurable and this Court would lose its sanctity and thus would belie the expectations of the founding fathers that justice is above all. Para No. 69 of the SCC in Rupa Ashok Hurra’s case (supra) read as follows :

“69. ... Manifest injustice is curable in nature rather than incurable and this Court would lose its sanctity and thus would belie the expectations of the founding fathers that justice is above all. There is no manner of doubt that procedural law/procedural justice

cannot overreach the concept of justice and in the event an order stand out to create manifest injustice, would the same be allowed to remain in silentio so as to affect the parties perpetually or the concept of justice ought to activate the Court to find a way out to resolve the erroneous approach to the problem? Mr. Attorney-General, with all the emphasis in his command, though principally agreed that justice of the situation needs to be looked into and relief be granted if so required but in the same breath submitted that the Court ought to be careful enough to tread on the path, otherwise the same will open up a Pandora's box and thus, if at all, in rarest of the rare case, further scrutiny may be made. While it is true that law courts have overburdened themselves with the litigation and delay in disposal of matters in the subcontinent is not unknown and in the of any further appraisal of the matter by this court, it would brook no further delay resulting in consequences which are not far to see but that would by itself not in my view deter this Court from further appraisal of the matter in the event the same, however, deserves such an additional appraisal – the note of caution sounded by Mr. Attorney-General as regards opening up of a Pandora's Box, strictly speaking, however, though may be very practical in nature but the same apparently does not seem to go well with concept of justice as adumbrated in our Constitution. True it is, that practicability of the situation needs a serious consideration more so when this court could do without it for more than 50 years, which by no stretch of imagination can be said to be period not so short. I feel in necessary, however, to add that it is not that we are not concerned with the consequences of reopening of the issue but the redeeming feature of our justice delivery system, as is prevalent in the country, is adherence to proper and effective administration of justice in strict. In the event there is any affectation of such administration of justice either by way of infraction of natural justice or an order being passed wholly without jurisdiction or affectation of public confidence as regards the doctrine of integrity in the justice delivery system, technicality ought not to outweigh the course of justice – the same being the true effect of the doctrine of *ex debito justitiae*. The oft-quoted statement of law of Lord Hewart, C.J. in *R. V. Sussex Justices, ex p MCCarthy* that it is of fundamental importance that justice should not only be done, should manifestly and undoubtedly be seen to be done, had this doctrine underlined and administered therein. ...”

5. It is no more *res integra* that while considering the non-compliance with a procedural requirement, it has to be kept in view that such a requirement is designed to facilitate justice and further its ends and therefore, if the consequence of non-compliance is not provided, the requirement may be held to be directory. (Reference : Topline Shoes Ltd. Vs. Corporation Bank, AIR 2002 SC 2487, pp 2490, 2491 : (2002) 6 SCC 33.) The rules of procedure are to be construed not to frustrate or obstruct the holding of enquiry under the substantive provision. Therefore, certain irregularities in the procedure of the preliminary inquiry

shall not obstruct in the holding of the inquiry under the substantive provision. It is now well settled that mere lapses or some error in the procedure, should not deny justice to the parties as held by the Apex Court in catena of cases cited above.

6. We have also carefully perused the aim and object of the Manipur Lokayukta Act, 2014 which is to provide for the establishment of a body of Lokayukta for the State of Manipur to inquire into allegations of corruption against certain public functionaries and for matters connection therewith or incidental thereto. If the present case is to be rejected only on the error of mere procedural lapses the aim and object of Manipur Lokayukta Act, 2014 will be frustrated. In view of the above discussions and the decisions of the Apex Court in plethora of cases, we are of the considered view that the provision of Chapter VII of Manipur Lokayukta Act, 2014 consisting of Sections 20,21,22,23 and 24 is merely a way to achieve the aim and object of the Act and a means for speedy disposal of the proceeding. The time frame given in a procedure is only to expedite the inquiry not to delay the proceeding on ground of certain lapses.

7. On the basis of the above discussion and keeping in mind of the decisions of the Apex Court discussed above, we are of the considered view that even if a time frame is mentioned in Chapter VII of the Manipur Lokayukta Act, 2014 there should be a proper reason for extending the period as mentioned in relevant provision of Manipur Lokayukta Act, 2014 i.e. Section 20 (2) of Manipur Lokayukta Act, 2014. The Apex Court in Miscellaneous Application No. 665 of 2021 in Suo Motto Writ Petition (C) No. 3 of 2020 passed numerous orders on 08.03.2021, 15.03.2021, 27.04.2021 which held that in computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021. The period from 15.03.2020 till 02.10.2021 shall also stand excluded in computing the periods prescribed under Sections 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within the court or tribunal can condone delay) and termination of proceedings. On bare perusal of the orders passed by the Hon'ble Supreme Court in the case mentioned above, it is clear that the order has been passed by the Apex Court in exercise of its jurisdiction under Article 142 read with Article 141 of the Constitution of India. In view of the order passed in the Misc. Application No. 665 of 2021 in SMW(C) No. 3 of 2020 dated 23.09.2021, the Hon'ble Supreme Court, disposed of all the IAs. One of the orders i.e. order dated 23.09.2021 passed by the Apex Court in Miscellaneous Application No. 665 of 2021 in SMW(C) No. 3 of 2020 for disposing of all the connected IAs is reproduced hereunder :

9. We dispose of the M.A. No. 665 of 2021 with the following directions:-

I. In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021.

II. In cases where the limitation would have expired during the period between 15.03.2020 till 02.10.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. In the event the actual balance period of limitation remaining, with effect from 03.10.2021, is greater than 90 days, that longer period shall apply.

III. The period from 15.03.2020 till 02.10.2021 shall also stand seclud in computing the periods prescribed under Sections 23(4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

IV. The Government of India shall amend the guidelines for containment zones, to state.

“Regulated movement will be allowed for medical emergencies, provision of essential goods and services and services, and other necessary functions, such as, time bound application, including for legal purposes, and educational and job- related requirements.”

10. As a sequel to disposal of MA No. 665/2021, pending interlocutory applications, including the applications for intervention/impleadment, also stand disposed of.

8. Mr. M. Gunedhor, learned counsel appearing for respondent Nos. 1,2,3,4,5,6,8,9,10,11,12,13,14,15,16,17,18,19 and 21 cited the decision dated 19.06.2020 of Hon'ble Supreme Court in Criminal Appeal No. 452 of 2020 (S. Kasi vs. State Through The Inspector of Police Samaynallur Police Station Madurai District) and draws our attention to para No. 17 of the judgment wherein it stated that the limitation for filing petitions/applications/suits/appeals/all other proceedings was extended to obviate lawyers/litigants to come physically to file such proceedings in respective Courts/Tribunals. The order was passed to protect the litigants/lawyers whose petitions/application/ suits/ appeals/ all other proceedings would become time barred they being not able to physically come to file such proceedings. The order was for the benefit of the litigants who have taken remedy in law as per the applicable statute for a right.

9. The present case is different from the case in S. Kasi's case (supra). Mr. M. Gunedhor, learned counsel appearing for respondent Nos. 1,2,3,4,5,6,8,9,10,11,12,13,14,15,16,17,18,19 and 21 further submits that there cannot be a roving inquiry. In the present case, there is no question of roving inquiry inasmuch as we simply direct the Inquiry Officer to seek comment on the basis of the material, information and documents collected on the allegations made in the complaint. Section 20 (2) of the Manipur Lokayukta Act, 2014 speaks that comments should be called from the competent authority on the basis of the material, information and documents collected on the allegations made in the complaint.

10. Now the question is, whether there can be exception while considering extension of period provided under Section 20 (2) of the Manipur Lokayukta Act, 2014. We can take the judicial notice of the abnormal circumstances where the normal life of the citizens has been seriously affected because of the Covid-19 pandemic in the State of Manipur and the state government had passed many order for imposing curfew and certain restriction to the denizens of Manipur, some of which are as under :

Sl. No.	Order Date	File No.
1	23 rd March, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
2.	30 th April, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
3.	3 rd May, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
4.	6 th May,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
5.	19 th May,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
6.	1 st June,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
7.	8 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
8.	15 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
9.	20 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
10.	30 th June,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
11.	4 th July, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
12.	10 th July,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
13.	13 th July,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
14.	23 rd July, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
15.	30 th July,2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
16.	15 th August, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
17.	25 th August, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
18.	1 st October, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
19.	31 st October, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
20.	27 th November, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
21.	22 nd December, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
22.	30 th December, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
23.	11 th February, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
24.	19 th February, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
25.	23 rd February, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
26.	9 th March, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
27.	31 st March, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
28.	12 th April, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
29.	15 th Arpil, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
30.	18 th April, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
31.	21th April, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur

11. In the above factual backdrop, in order to do justice and not to derail the inquiry more particularly because there is a minor procedural lapse, we are of the considered view that the present preliminary inquiry report is required to be send down to the Inquiry Officer with a direction to the Inquiry Officer that he should call the comment of the competent authority on the basis of the material, information and documents collected in

the course of the preliminary inquiry on the allegations made in the complaint and not for further inquiry.”

11. In the course of the Preliminary Inquiry, the Inquiry Officer requisitioned a number of documents, particulars of which are as under:

SI no.	Particulars	Page no.	Remarks
1	Copy of the sanction letter 14 th FC 2017-2018 Memo no. 19/2/2017- CHA/ FC dated 27/2/2018	II/1-2	Collection Memo dated 9.12.2020 read with Memo no. 3(Complt)/ML/DIR (INQ)/2020/04 dated 4/12/2020
2	Submission of work proposal for 14 th FC 2017-2018 Memo no. 1/2018/14FCTADC dated 19/3/2018 by CEO, ADC Tml	II/3-84	Memo no. 3(Complt)/ML/DIR (INQ)/2020/01 dated 18/12/2020
3	Proceedings of committee meeting for implementation of the 14 th FC ADC, Tml held on 9/3/2018	II/ 85	
4	D.O. letters submitted to the CEO, ADC Tml by the ADC, Tml Chairman and Members indicating the work agency list including (a) Shri Namsinrei Panmei, Chairman	II/ 86-110	Collection Memo dated 9.12.2020 read with Memo no. 3(Complt)/ML/DIR (INQ)/2020/04 dated 4/12/2020
5	Copy of Approved work list of 14 th FC ADC, Tml	115-124	Collection Memo dated 9.12.2020 read with Memo no. 3(Complt)/ML/DIR (INQ)/2020/04 dated 4/12/20
6	Sample copy of Abstract of Bill Payment to work Agencies (a) First Advance (b) Second advance	125 128	
7	Copy of Utilization Certificate 14 th FC ADC, Tml 2017-2018	131-134	
8	Bank Account Details	135-136	
9	Mesurement Book of Nungba Block Book no. 129/TADC Mesurement Book of Tousem Block Book no. 128/TADC	A	Collection Memo dated 23.12.2020

	Mesurement Book of Tamenglong Block Book no. 127/TADC Mesurement Book of Tamei Block Book no. 126/TADC		
10	(1) ADC Tml Work Orders 14 th Finance Register Containing 38 pages (2) ADC Tml Work Orders footpath 14 th Finance Register Containing 27 pages (blue cover) (3) WORK Order 3 rd SFC 17-18 & 18-19	E	Collection Memo dated 6.2.2021
11	Bill Register 14 th Finance 2017-2018 (a) Tamenglong Block containing 38 pages (b) Nungba Block containing 36 pages (c) Taosem Block containing 36 pages (d) Tamei Block containing 36 pages (e) Khoupum Block containing 36 pages	G	Collection Memo dated 9.12.2020 read with Memo no. 3(Complt)/ML/DIR (INQ)/2020/04 dated 4/12/2020
12	(1) Sanction Letter No. 19/3/2017 - CHA/ FC dated 20/12/2017 regarding 3 rd SFC (2) Sanction Letter No. 19/3/2017 - CHA/ FC dated 29/3/2018 regarding 3 rd SFC	137 138	
13	Work Proposal (3 rd SFC 2017-2018)	139	
14	Utilization Certificate (3 rd SFC 2017-2018)	145	
15	Bill Register 3 rd SFC 2017-2018 containing 24 pages	H	Collection Memo dated 9.12.2020 read with Memo no. 3(Complt)/ML/DIR (INQ)/2020/04 dated 4/12/2020
16	Measurement Book of 3rd SFC 2017-2018 (10%) Book no. 112/TADC	I	Collection Memo dated 16/1/2021
17	Separate Audit Report (SAR) 2014-15 from Office of the Principal Accountant General (AUDIT) Manipur	146	Memo no. 3(Complt)/ML/DIR (INQ)/2020/01 dated 3/12/2020
18	Copy of submission of Property Return of the year 2017 in respect of D. Gangmei, MCS.	147	Memo No 3(Complt)/ML/DIR (INQ)/2020/ dated 7/12/2021
19	Bank Statement for the ADC, Tamenglong Joint Account No. 0653010103588 for the period of 01-01-2017 to 30-01-2019	148	Memo No 3(Complt)/ML/DIR (INQ)/2020/ dated 14/1/2021
20	Copy of clarification regarding 14 th Finance Commission 17-18 from the office of Joint Secretary (TA & Hills) Govt. of Manipur.	149	Memo No 3(Complt)/ML/DIR (INQ)/2020/ dated 2/1/2021
21	Clarification regarding 14 th F.C dated 19 th	150	Memo No

	January, 2021 from the office of Joint Secretary (TA & Hills) Govt. of Manipur.		3(Complt)/ML/DIR (INQ)/2020/ dated 14/1/2021
22	Copy of Clarification regarding 1% Labour Cess from the office of the Manipur Building & Other Construction Workers Welfare Board.	151	Memo No 3(Complt)/ML/DIR (INQ)/2020/15 dated 20/1/2021
23	Copy of Audit report on the Account of the office of CEO, ADC, Tamenglong for the year 2018-19 dated 20 th June, 2020 by Local Fund Audit, Manipur	152	Memo No 3(Complt)/ML/DIR (INQ)/2020/24 dated 1/2/2021
24	Copy of Audit report on the Account of the office of CEO, ADC, Tamenglong for the year 2017-18 dated 4 th March, 2019 by Local Fund Audit, Manipur	153	
25	(1) Cheque Issued Register for Account No. 0653010103588 containing 35 pages (yellow cover) (2) Cheque Issued Register for Account No. 0653010103588 2017-18 containing 45 pages (red cover)	J	Memo No 3(Complt)/ML/DIR (INQ)/2020/ dated 14/1/2021
26	(1) Office File 14 th FC Tamei Block (Memo no 105/TADC/14 th Finance Engg) (2) Office File 14 th FC Tousem Block (Memo no 105/TADC/14 th Finance Engg) (3) Office File 14 th FC Tamenglong Block (Memo no 105/TADC/14 th Finance Engg) (4) Office File 14 th FC Nungba Block (Memo no 105/TADC/14 th Finance Engg)	154	Collection Memo dated 23/12/2020
27	Completion Report submitted by work agencies	155	

List of Official Govt of Manipur Documents

Sl. No.	Particulars	Memo/ Order No	Department	Page No
1	Compulsory payment of salaries and other entitlements of state Government employees through Bank Account	1/95/99-D/IF Dated 18.04.2009	Finance Department Institutional Finance Section	III/1
2	Instruction for drawal of funds through AC Bills- further direction	1/3/2009-FC Dated 22.02.2010	Finance Department Finance Commission Section	III/2
3	Office Memorandum	10/1/2009-FC (Pt) Dated 11.10.2017	Finance Department Finance Commission Section	III/3
4	Tax Deduction at source (TDS) for GST	5/20/2017-FD(TAX)Pt Dated 27.07.2017	Finance Department Expenditure Section	III/4
5	Copy of Manipur Gazette extraordinary No.88	2/29/2017-Leg/L Dated 14.06.2017	Law & Legislative Affairs Department	III/5

6	“Self” Cheque	9/2/2007-FR(Misc) Dated 13.03.2008	Finance Department Resources Section	III/6
7	Preparation of cost estimates by different Engineering Organisations/Work Agencies	10/1/2009-FC {Pt} Dated 26.10.2013	Finance Department Finance Commission Section	III/7
8	Instructions regarding deduction of Agency Charges from the provision of works executed departmentally	5/6/2006-FC Dated 2.04.2013	Finance Department Finance Commission Section	III/8
9	The Manipur (Hill Areas) District Councils (Third Amendment) Act, 2008	2/56/2008-Ix:B/L dated 27.10.08	Law Dept. Govt of Manipur	III/9
10	Copy of Manipur Gazette Extraordinary Notification of Election Result of Tamenglong ADC.	No. 260 Publish on Saturday June 20, 2015	Govt of Manipur	III/10

11.1 The Inquiry Officer also recorded the statements of 62 (sixty-two) individuals in connection with the present case.

12. In the course of the Preliminary Inquiry, the Inquiry Officer was assisted by the team of expert constituted under our order dated 03.02.2021 in ascertaining as to whether the works had been properly executed or not and also as to whether the measurement of the works alleged to have been executed have been entered properly in the Measurement Books (MB) or not and also the alleged works under different work orders had been really executed or not on two different occasions, i.e. on 17.03.2021 and 23.03.2021.

13. The Government of Manipur passed an order being No. 9/2/2007-FR(Misc) dated 13.03.2008 that the Governor of Manipur is pleased to order that payment through “Self” cheques by any Department of the Government is banned with immediate effect until further orders. It further ordered that no Scheduled Bank conducting transaction on behalf of the Government shall honour and allow any payment against any cheque (excepting those that relate to salary payments and endorsed to this effect on the back of the cheque under the signature of the DDO). Under the Manipur (Hill Areas) District Councils (Third Amendment) Act, 2008, after section 27 of the principal

Act, section 27A and 27B had been inserted wherein the power and function and duties of the Chief Executive Officer of the Autonomous District Council are clearly provided.

14. The Autonomous District Council, Tamenglong in its proceeding held on 9th March, 2018 at the Chamber of the Chairman, ADC, Tamenglong with Shri Namsinrei Panmei, Hon'ble Chairman in the Chair passed three Resolutions. For convenience, proceeding of 9th March, 2018 is quoted hereunder:

**“Proceedings of the
Committee Meeting for Implementation of
14th Finance Commission (FFC)
Autonomous District Council, Tamenglong.
Held on the 9th March, 2018 at the Chamber of the Chairman,
ADC, Tml. With Shri Namsinrei Panmei, Hon'ble Chairman in the
Chair.**

At the outset, Chief Executive Officer/Secretary, ADC, Tamenglong highlighted the house on the accord of sanction under 14th Finance Commission (FFC) for the year 2017-2018 in respect of Autonomous District Council, Tamenglong vide government letter No. 19/2/2017-CHA/FC dated Imphal, the 27th February, 2018. The meeting after deliberations on the Scheme Guidelines finally resolved to constitute a Committee and framed the mode of implementations as per the details given below :

Resolution No. 1 : Constitution of the Committee :- The meeting constituted the following dignitaries as the Committee for implementation of 14th Finance Commission (FFC) for identification, planning and implementation of project works.

1. Chairman, ADC, Tamenglong - Chairman
2. CEO, ADC, Tamenglong - Member Secretary
3. Finance Officer, ADC, Tamenglong – Member
4. Account Officer, ADC, Tamenglong - Member
5. E.E./PWD, AC, Tamenglong- Member

Resolution No. 2 : Selection of Works:- The committee resolved to plan and execute works in accordance with the guidelines of the 14th Finance Commission (FFC).

Resolution No. 3 : Mode of execution of Works:- Developmental work programs under 14th Finance Commission (FFC) to execute through Village Level Committees (VLC) duly constituted by the concerned Villages.

The meeting concluded with words of appreciation from the Hon'ble Chairman, Autonomous District Council, Tamenglong.

Sd/-
(D. GANGMEI)
Chief Executive Officer
/Secretary,
ADC, Tamenglong

Sd/-
(NAMSINREO PANMEI)
Chairman,
ADC,
Tamenglong.”

14.1 The approved works for ADC, Tamenglong under 14th Finance Commission consists of 325 items of works (available at page 132 to 140 of the Volume 1 of Preliminary Inquiry Report). The approved works list under 3rd State Finance Commission 2017-2018 consists of 59 items of works. It is clear from the Preliminary Inquiry report that the approved works were executed through the implementing agency nominated by different Members of ADC, Tamenglong, in other words, the respondents who are the Members of ADC, Tamenglong are executing the different approved works in their constituency through their agency. The Inquiry Officer collected the list of the approved works executed by the agency of the respondents/members of the ADC, Tamenglong. For convenience the list of the approved works, and name of agency who had executed the approved works are reproduced hereunder :

**“Approved work list under 14th Finance Commission 2017-2018
Autonomous District Council : Tamenglong**

A. CONSTRUCTION OF IVR:

Sl. No.	Name of Work and location	Unit	Amount	Name of Agency
1	Pallong to Lam laba	8 km	15 lacs	KATATHON
2	Kabonram to Ritiang	5 km	10 lacs	KEISUANGDIN
3	Makru Bridge to Azuram	6 km	10 lacs	JOSHA
4	Old Pallong to Upper Sonpram	5 km	10 lacs	KATATHON
5	Joulangpang to Tinglup, Dailong	5 km	10 lacs	KHUMJANANG
6	New pallong to Dilajang	6 km	10 lacs	KATATHON
7	Aben to Tuisemphai	5 km	10 lacs	ABUI
8	I.T. Road to Hougaijang (N. Pallong)	6 km	10 lacs	KATATHON
9	Neigailong to Namlalong Main Road	3 km	5 lacs	MAKUWANGLIU PAMEI
10	Joulangpangthok to Khouland, Dailong	3 km	5 lacs	JENGAINGAMANG
11	Chingkao to Makru Bridge Point	6 km	10 lacs	ATHON
12	Caililong to IT Road Tamei	7 km	10 lacs	ADIN
13	Tamei to Chongjamphai	3 km	5 lacs	ADIN
14	Nurathel to Tabam	3 km	5 lacs	ATHINBOU
15	Kekru Naga to Tajeikeiphun	3 km	5 lacs	
16	National Highway 37 to Duikunluang	3 km	5 lacs	JOHNSON
17	Gaidimjang II to Namgaijang	3 km	5 lacs	
18	Playground to Youth Office Chingkao	6 km	10 lacs	SANGAI
19	Namtiram II to Azuram	6 km	10 lacs	CHANDI
20	NH 37 TA Check Post to Rongdai	6km	10 lacs	BLESSING GANGMEI
	Sub total		170 lacs	

B. CONSTRUCTION OF WATER TANK/RESERVOIR :

Sl. No.	Name of Work and location	Unit	Amount	Name of Agency
1	Atangkullen Village	1	5 lacs	KEIRIJIN
2	Lasan LC Phai Village	1	5 lacs	GOUKHOMANG
3	K.K. Khaiba Village	1	5 lacs	TABAMANG
4	Shingkhium Village	1	5 lacs	TABAMANG
5	Thiujening Village	1	5 lacs	AGUIBOU
6	Council Colony, Tml. VI.	1	5 lacs	NATHANEL
7	Hougailong	1	5 lacs	GAIDONREI
8	New Lambulane	1	5 lacs	DAIKHAM
9	Old Takou Village	1	5 lacs	MANSI
10	Old Magulong Village	1	5 lacs	STEPHEN

C. CONSTRUCTION OF PUBLIC TOILET:

Sl. No.	Name of Work and location	Unit	Amount	Name of Agency
1	Kabonram Village	1	5 lacs	KEISUANGDIN
2	Pallong Village near Playground	1	5 lacs	KATATHON
3	Lasan Village	1	5 lacs	GOUKHOMANG
4	Duithanlong Village	1	5 lacs	K. ASIN
5	Noney IV Vilalge	1	5 lacs	JANGLUNG
6	Azuram Village	1	5 lacs	JOSHEP
7	Duithanlong, Tamenglong W/No. V.	1	5 lacs	
Sub Total :			35 lacs	

D. CONSTRUCTION OF PUCCA DRAINAGE/WATER STORM DRAINAGE:

Sl. No.	Name of Work and location	Unit	Amount	Name of Agency
1	Tamenglong IB Bazaar to New Lambulane	400 m	10 lacs	SOIHIAMGONG
2	Tamenglong-Khongsang Road Lambulane	200 m	5 lacs	ASENA
3	Namlalong of Lower Namlalong	200 m	5 lacs	
Sub Total :			20 lacs	

E. CONSTRUCTION OF COMMUNITY HAL/VILLAGE AUTHORITY OFFICE:

Sl. No.	Name of Work and location	Unit	Amount	Name of Agency
1	Lamlaba	1	5 lacs	JANGSINANG
2	New Pallong	1	5 lacs	KATATHON
3	Pallong Vilalge Authority Office	1	10 lacs	KATATHON
Sub Total :			20 lacs	

- (1) Slab Culvert at Zoujipang Uok at – Athan – 5,00,000 – 2,10,00,90.
(2) Slab Culvert at Jouji Shian at Yuigaili – Adin - 5,00,000 – 2,10,00,90.
(3) Const. of Slab Culvert was CGS Tml Ward No VII VII - 5,00,000 – 2,10,00,90.

Sd/-
Namsinrei Panmei
Chairman
Autonomous District Council,
Tamenglong”

14.2 Different DO letters of the respondents for appointing their agent for executing the approved works under 14th Finance Commission and 3rd State Finance Commission are available at page 105 to 131 of Volume I of the Preliminary Inquiry Report. And, inspection reports are available as Annexure IV page no. 130 to 165 of Volume I of the Preliminary Inquiry Report.

15. Para nos. 13.1 to 13.9, para nos. 14.1 to 14.7 of the Preliminary Inquiry Report had mentioned the irregularities and lapses on the part of the respondents and also the violation of different instructions and guidelines issued by the Government of Manipur in executing different approved works of the ADC, Tamenglong. Accountability of the officials and respondents in executing the approved works and payment of the bills are mentioned in para no. 15, 16, 17, 18 and 19 of the Preliminary Inquiry Report. For easy reference para 19 of the Preliminary Inquiry Report is quoted hereunder :

“19. The executing agencies/ implementing agencies are the work agencies who are nominated by the ADC members from its district council constituency (DCC). They are known to the ADC member. As shown by the D.O. letter of the ADC members submitted to the CEO wherein the names of the works and the names of the Work agencies are mentioned, therefore for non-completion of works, the ADC member is responsible. Of the 46 spot inspection sites, about 14 works/ items were carried out, but then about 32 works were not undertaken. The list of ADC Members / segment where spot inspection has been conducted is listed as Table 8 below:

SI No	No & Name of DCC	Elected Candidate	Address	Works not executed	Annexure
1	17-Haochong	B Thambou	Haochong	Construction of Waiting Shed and Community Hall at karuagmon pt 1/ Nungtek Village enlisted in the D.O.letter is not carried out.	II/110
2	18-Noney	Zino Kamei	Noney	Community hall is renovated but not according to the approved measurement details. Pucca drainage at PHC Noney is partially constructed.	II/105

3	22-Rengpang	G Apoukhul	Rongdai	Khongsang Primary School was not renovated	
4	23- Nungba	Kamei Khiakpou	Nungba	No project work were carried out	II/107
5		Poulunthui Rongmei (73)	Satudai	Road Shingling not done	
6	20- Khoupum	S.G Pammei	Khoupum Taodaijang	Waiting shed at Satudai is fixed with new tin sheets	II/94
7	21- Nungnang	Meirijin Rongmei Naga	Nunngang Village	Construction of Water Tank at Namkaolong is not constructed	II/106
8	19-Dollang	Alar Thoitak	Dollang Village	Repairing/ Major Renovation of Joujangtek Village Authority office/ Dollang Guest house has not been carried out.	II/100
9	9- Oinamlong	Tadinang Gangmei	Sibilong Pt1	Pucca Drainage from Shalom Baptist Church, Oinamlong is not constructed	II/114
10	5-Lamlaba	Namsinrei Panmei	Pallong	Water tank at Church Colony, Tamenglong is constructed. Public Toilet at Duithanlong, Tamenglong is constructed. Pucca drainage from PHC Tamei to Tamah is not constructed.	II/2
11	16- Awangkhum	Kaningmei	Noney	No Public Toilet is constructed at Khumji Bazar	II/108

15.1 Further, irregularities and offences committed by the individuals are mentioned in para no. 20 and conclusion at para no. 21 which read as follows:

“20. Irregularities/Offences committed by the individuals/officials:

1. Shri Namsinrei Panmei, Chairman, ADC, Tamenglong: He is in violation of CCS(Conduct) Rules,1964 Rule no3 (1) (xii) for failing to perform his administrative duty. His actions of being the co-signatory of the cheques used for the disbursement of the sanctioned amounts is in deviation of general financials rules to be incorporated for financial transactions. It is to be noted that the work order being issued in 25/8/2018 even before the nominations of work and work agencies being submitted by self and the other Members of ADC, Tamenglong (see para 7) and 1st advance bill being paid by 28/8/2018 under his chairmanship points to criminal conspiracy in addition to the non-completion of project awarded to his nominated work agencies. He is guilty of misappropriation of public money award under 14th FC 2017-18 [as pointed out in para 16 and non-completion of work as pointed out in Table 8]

2. **Shri SG Pammei (Vice Chairman):** He is in violation of CCS(Conduct) Rules,1964 Rule no3 (1) (xii) for failing to perform his administrative duty. Project awarded to his nominated work agencies under 14th FC 17-18 have not been completed. He has entered into a criminal conspiracy with other members of ADC and misappropriated public money.
3. **Executive members of the Executive Committee of ADC, Tamenglong (Shri Pouhutlung Panmei, Shri TP Sangjeuying, Shri Halthing Doungel, Shri Lungin Gangte and Shri G Apoukhui)** are in violation of CCS(Conduct) Rules,1964 Rule no3 (1) (xii)
4. **Shri D Gangmei, the then CEO:** Drawal of Self Cheques by the CEO and the transfer of money from the A/C No 0653010103588 Development account to DDO account is violation of Govt Orders as stated in 13.9. Agency Charges/ Departmental Charges have not been paid. 1% labour cess has not been paid by the CEO Office. He allowed 1st Advance payment of 70% on the start of work. He has allowed the 2nd advance payment without inspection of works. No final bill settlement has been carried out. His action attracts criminal misconduct [established in para 16 &18] and is guilty of being part of the conspiracy and misappropriation of public funds
5. **Mrs Prabahati Pamei (58) EE, Shri Daniel Philip (58) AE, Shri L. Premjit Meitei (46) AE I/C, Shri Agui Gangmei (40) S.O, Mrs Duangkliu K (45) S.O, S.O/ T A Shri Gaidim** all belonging to the Engineering Cell, ADC, Tamenglong are violating CCS(Conduct) Rules,1964 Rule no 3 (1) (ii) and connived with the higher ups in misappropriation of public funds by not taking up inspection of works.
6. **ADC Member Shri B Thambou** has not completed the project work awarded to his nominated agency under 14th FC 17-18 in his segment. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.
7. **ADC Member Shri Zino Kamei** has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.
8. **ADC Member Shri Kamei Khiakpou** has not completed any of project work in his segment awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.
9. **ADC Member Shri Poulunthui Rongmei (73)** has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.

10. ADC Member Shri Meirijin Rongmei Naga has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.

11. ADC Member Shri Alar Thoitak has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.

12. ADC Member Shri Tadinang Gangmei has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.

13. ADC Member Shri Kaningmei has not completed the project work awarded to the work agency nominated by him under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.

21. Conclusion:

Therefore, prima facie evidence is established of criminal conspiracy and misappropriation of sanctioned amount awarded under 14th FC 2017-18 by these public officials (i) the then CEO D Gangmei in addition to official misconduct (ii) the Chairman Namsinrei Panmei in addition to official misconduct and non-completion of work (iii) ADC Member B Thambou (iv)ADC Member Zino Kamei(v)ADC Executive Member G Apoukhul (vi)ADC Member Kamei Khiakpou (vii)ADC Member Poulunthui Rongmei (73) (viii)ADC Member S.G Pammei (ix)ADC Member Meirijin Rongmei Naga (x) ADC Member Alar Thoitak (xi) ADC Member Tadinang Gangmei (xii) ADC Member Kaningmei for committing offence punishable U/S 13 PC Act & 120-B/34 IPC. Due to the irregular actions of the above public servants, unauthorized liability is accounted for and the above officials/individuals are charged U/S 5 Manipur Public Servants' Personal Liability Act, 2006."

16. We have given our anxious consideration to the documents collected in the course of the preliminary inquiry, statements of the individuals recorded by the Inquiry Officer, inspection reports and different guidelines of the Government of Manipur, so that we may come to our considered opinion in clear perspective and also not to harass the respondents without any material. While digesting the voluminous documents, inspection reports etc. we spent a considerable time and took care that the respondents may not be

condemned unheard in passing this judgment and order. The respondents have been allowed to file their comments to the Preliminary Inquiry Report. Their comments, in totality, are denial of the findings of the Inquiry Officer and his Preliminary Inquiry Report. One of the points taken by the respondents in objecting the Preliminary Inquiry Report was that there were defects in conducting the spot inspection inasmuch as all the relevant documents were not available at the time of the spot inspection and the respondents had not been informed of the dates of spot inspection.

17. The learned counsel appearing for the respondents also contended that the Inquiry Officer submitted the Preliminary Inquiry Report without calling comment from the competent authority on the basis of the material, information and documents collected on the allegations made in the complaint. We, without any hesitation, passed an order dated 19.11.2021 for correcting this procedural lapse by sending down the Preliminary Inquiry Report to the Inquiry Officer with a direction that he should call comment of the competent authority on the basis of the material, information and documents collected in the course of the inquiry on the allegations made in the complaint and not for further inquiry. We have taken extreme care that after sending down the Preliminary Inquiry Report, the Inquiry Officer should re-submit the Preliminary Inquiry Report along with the comment of the competent authority and the Inquiry Officer should not make further inquiry. The Inquiry Officer submitted the Preliminary Inquiry Report along with an Addendum to the Preliminary Inquiry Report that the competent authority have failed to submit their comment within the time fixed by the Lokayukta. But later on, on 23.12.2021, the Minister In-charge of Tribal Affairs and Hills Department, Government of Manipur under letter of Under Secretary (TA & Hills), Government of Manipur being No. 7/5/2021-Hills (Case) informed the Director (Inquiry), Manipur Lokayukta that the competent authority has conveyed approval and consent of the Hon'ble Minister, TA & Hills, Manipur for initiating necessary action to the respondents of Complaint Case No. 3 of 2020. For easy reference the said letter of the Under Secretary (TA & Hills), Government of Manipur is quoted hereunder:

“Government of Manipur
Secretariat : Tribal Affairs and Hills Department

No. 7/5/2021-Hills (Case) :- Imphal, 23rd December, 2021

To

The Director
Manipur Lokayukta

Ref.: Case No. 3 of 2020 of the Lokayukta.

Subject : Request for obtaining comments of the Hon'ble Minister in-charge of Tribal Affairs & Hills, Govt. of Manipur who is competent authority u/s 2 (1) C (iv) of the Manipur Lokayukta Act, 2014 in respect of allegations against Shri Dipu (D. Gangmei), MCS (now conferred IAS) the then CEO, ADC, Tamenglong.

Sir,

In inviting a reference to your letter dated 23rd November, 2021 and in pursuance of section 2 (1) (C) (iv) Manipur Lokayukta Act, 2014, I am directed to convey approval/consent of the Hon'ble Minister, TA & Hills, Manipur for initiating necessary action to the above-mentioned case No. 3 of 2020 of the Manipur Lokayukta.

Yours faithfully,
Sd/-
(Dr. RA. Ransing)
Under Secretary (TA & Hills)
Government of Manipur

Copy to :-

1. PPS to Hon'ble Minister (TA & Hills) Manipur.
2. Staff Officer to the Chief Secretary,
Government of Manipur.
3. PS to Addl. Chief Secretary, (TA & Hills)
Government of Manipur.
4. Office copy.”

18. On careful perusal of the procedure of the preliminary inquiry and inquiry report, we are of the considered view that there is no defective inquiry. In this regard, we may refer to the decision of the Hon'ble Supreme Court in two cases where in the Apex Court held that defective investigation need not necessary lead to rejection of the case of the prosecution. (Reference : Para 12 of the SCC in **Visveswaran vs. State rep by S.D.M. (2003) 6 SCC 73**) and para 19 of the SCC in **Kashinath Mondal vs. State of West Bengal (2012) 7 SCC 699**). For easy reference para 19 of the SCC in Kashinath Mondal's case (supra) reads as under :

“19. There is some substance in the grievance of the learned counsel for the appellant that the investigating agency also did not obtain fingerprints from the place of incident. But, it is well settled that remissness and inefficiency of the investigating agency should be no ground to acquit a person if there is enough evidence on record to establish his guilt beyond reasonable doubt.”

19. It is pertinent to mention that after the Preliminary Inquiry Report had been submitted in Complaint Case No. 3 of 2020, another person filed a complaint being Complaint Case No. 9 of 2021 against the respondents for the same allegations and assertions for committing the offences mentioned in the earlier complaint i.e. Complaint Case No. 3 of 2020. The Apex Court in **T.T. Antony vs. State of Kerala and Ors (2001) 6 SCC 181** held that there can be no second FIR and no fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or same occurrence giving rise to one or more cognizable offences. Further, the Apex Court in **R. Venkarkrishnan vs. Central Bureau of Investigation (2009) 11 SCC 737** held that the criminal case can be set in motion by anybody.

20. Taking the ratio laid down by the Apex Court in the cases mentioned above, we are of the considered view that further preliminary inquiry in respect of Complaint Case No. 9 of 2021 would not be required, inasmuch as allegations and assertions are similar with those of Complaint Case No. 3 of 2020. Accordingly, we passed an order dated 29.10.2021 in Complaint Case No. 9 of 2021 that the earlier Preliminary Inquiry Report of Complaint Case No. 3 of 2020 shall also be treated as Preliminary Inquiry Report of Complaint Case No. 9 of 2021. Para No. 3, 4, 5 and 6 of our order dated 29.10.2021 passed in Complaint Case No. 9 of 2021 are reproduced hereunder:

“3. We have given our anxious consideration to the allegations and assertions in the complaint of Complaint Case No. 3 of 2020 and also those of in the present case and also the earlier Preliminary Inquiry Report dated 21.06.2021 submitted in Complaint Case No. 3 of 2020 and we are of the considered view that the earlier Preliminary Inquiry Report dated 21.06.2021 shall also be treated as the Preliminary Inquiry Report of the present case inasmuch as we are not allowing to conduct a new inquiry for the same subject matter. As such, the Respondents of the Complaint Case No. 3 of 2020 shall also be the respondents of the present case i.e. Complaint Case No. 9 of 2021.

4. Since the respondents of the present case are similar to those of Complaint Case No. 3 of 2020 and they are represented by their respective counsels, serving of fresh notice to the respondents of the present case is not

required in the peculiar facts and circumstances. The earlier learned counsels appearing for the respondents in Complaint Case No. 3 of 2020, which is also fixed today for hearing, entered appearance for the respondents in the present case.

5. The Respondents are directed to file their comment, if any, to the Preliminary Inquiry Report of the Complaint Case No. 3 of 2020 which is also treated as the Preliminary Inquiry Report of the present case.

6. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy the Preliminary Inquiry Report of Complaint Case No. 3 of 2020 to the complainant of the present case. He is further directed to furnish a copy of this complaint and supporting documents to the learned counsels appearing for the respondents so that they may have a complete idea of the allegations and assertions made in the present case.”

21. The Apex Court in State of **Maharashtra vs. Sayed Mohammed Massod and Anr. (2009) 8 SCC 787** held that materials collected during preliminary investigations are relevant for investigation. The Apex Court in **Union of India vs. Prakash P. Hinduja and Anr. (2003) 6 SCC 195** held that cognizance on the basis of such investigation is valid even if CBI committed an error or irregularity in submitting the charge-sheet without the approval of CVC and the cognizance taken by the Special Judge on the basis of the charge sheet could not be set aside and also further held that it is the prerogative of the Inquiry Officer to file his report either under Section 169 or 170 Cr.P.C., Magistrate has no role. Paras 16 and 17 of the SCC in Sayed Mohammed’s case (supra) read as follows :

“16. In **H.N. Rishbud v. State of Delhi (AIR 1955 SC 196 : (1955) 1 SCR 1150 : 1955 Cri LJ 526)** the Court was called upon to consider the effect of investigation having been done by a police officer below the rank of a Deputy Superintendent of Police contrary to the mandate of Section 5(4) of the Prevention of Corruption Act, 1947. While examining the scheme of Chapter XIV of the Code of Criminal Procedure, 1908 (same as Chapter XII of the 1973 Code), it was held that the investigation primarily consists of the ascertainment of the facts and circumstances of the case and by definition it includes “all the proceedings under the Code for the collection of evidence conducted by a police

officer". It was further observed that the final step in the investigation viz. the formation of the opinion as to whether or not there is a case to place the accused on trial is to be that of the officer in charge of the police station. In *State of W.B. v. S.N. Basak* (AIR 1963 SC 447) this Court approved the view taken by the Privy Council in *Mazir Ahmad* (AIR 1945 PC 18) and held as under in para 3 of the report : (AIR p. 448)

"The powers of investigation into cognizable offences are contained in Chapter XIV of the Code of Criminal Procedure, Section 154 which is in the Chapter deals with information in cognizable offences and Section 156 with investigation into such offences and under these sections the police has the statutory right to investigate into the circumstances of any alleged cognizable offence without authority from a Magistrate and this statutory power of the police to investigate cannot be interfered with by the exercise of power under Section 439 or under the inherent power of the court under Section 561-A of the Criminal Procedure Code."

17. This question was again considered in *Abhinandan Jha v. Dinesh Mishra* (AIR 1968 SC 117) and after examining the scheme of the Act and the decision of the Privy Council in *Nazir Ahmad* and the earlier decision of this Court in *H.N. Rishbud and S.N. Basak* it was held as under : (AIR p. 123, para 18)

"[T]he investigation, under the Code, takes in several aspects, and stages, ending ultimately with the formation of an opinion by the police as to whether, on the material covered and collected a case is made out to place the accused before the Magistrate for trial, and the submission of either a charge-sheet, or a final report is dependent on the nature of the opinion, so formed. The formation of the said opinion, by the police, ... is the final step in the investigation, and that final step is to be taken only by the police and by no other authority."

22. For the foregoing reasons and discussion, we are of the considered view that there exists prima facie case for investigation. Accordingly, we pass the following order by invoking our power and jurisdiction under Sections 20 (3) (a) and 28 of the Manipur Lokayukta Act, 2014 :

- A) A direct recruit IPS Officer (non-Local) of the rank not lower than Additional SP serving under the State of Manipur is directed to investigate the present cases by exercising all the powers conferred under the Manipur Lokayukta Act, 2014. The name of the IPS Officer will be intimated later after receiving a panel of names within five working days from the Chief Secretary, Government of Manipur. The Chief Secretary, Government of Manipur while sending the list of panel of IPS officer may not include IPS officer who is in the Offer List for Central/State deputation for the year, 2022.
- B) The Preliminary Inquiry Report of the present cases will be treated as Ejahar for the purpose of registration of the case for investigation. As the Preliminary Inquiry Report of the present case is treated as Ejahar/FIR, the Investigating Officer is not required to confine his investigation within the four corners of the Preliminary Inquiry Report. Where the case is to be registered will be intimated after taking a decision on the panel of names received from the Chief Secretary, Government of Manipur.
- C) The Investigating Officer while conducting the investigation will not be under the supervision of his superior officers of the department or the station where the present case is to be registered. It is also made clear that he/she shall conduct the investigation with full co-ordination with the Director (Inquiry), Manipur Lokayukta and also that the investigation of the present case is in addition to his normal duty. The Investigating Officer shall take necessary action to complete the investigation within a period of six months from the date of passing this order or from the date of receiving the records.

D) Chief Secretary, Government of Manipur and Director General of Police, Manipur shall ensure that the place of posting of the assigned Investigating Officer of these cases should not be disturbed without the prior consent of Manipur Lokayukta.

23. Secretary/Deputy Registrar, Manipur Lokayukta is directed to act accordingly by informing the Chief Secretary, Government of Manipur and Director General of Police, Manipur for taking necessary action. He is further directed to furnish a copy of this order to the complainants and the respondents.

24. Await investigation report.

Sd/-
MEMBER

Sd/-
CHAIRPERSON