

COMPLAINT CASE NO. 1 OF 2021
WITH
COMPLAINT CASE NO. 4 OF 2020
AND
COMPLAINT CASE NO. 5 OF 2020

03.05.2023

1. Complainants appear in person for Complaint Case No. 4 of 2020 and Complaint Case No. 5 of 2020, none appear for Complaint Case No. 1 of 2021. The learned counsels for the Respondents are also present.

2. Perused the letter of Shri V. Vumlunmang, Addl. Chief Secretary (TA & Hills) Government of Manipur being No. TA/26/2023-e-TA & H dated 17.04.2023 to the Deputy Registrar, Manipur Lokayukta. On perusal of the said letter, it appears that for reasons not known to the Manipur Lokayukta, the Addl. Chief Secretary (TA & Hills) Government of Manipur is avoiding answering the queries made by the Manipur Lokayukta in its order dated 27.03.2023 passed in Complaint Case No. 1 of 2021, Complaint Case No. 4 of 2020 and Complaint Case No. 5 of 2020. The said order of Manipur Lokayukta dated 27.03.2023 is a speaking order giving details and reasons on particular points based on which the Administrative Secretary (TA & Hills) Government of Manipur was requested to furnish information asked for in the order itself.

3. In the larger interest of the public, Manipur Lokayukta before making any adverse order against any authority of the Government of Manipur would like to peruse the file being no. 22/202/2018 – (HILLS) mentioned in the office memorandum dated 09.11.2018 issued under the signature of Shri Letkhogin Haokip, Addl. Chief Secretary (TA & Hills), Government of Manipur and hereby accordingly direct the administrative Secretary Department of TA & Hills, Government of Manipur to produce the aforesaid file before the Manipur Lokayukta on or before 15.05.2023. It is cautioned that failing which necessary consequences prescribed by law will be followed. Further, it is left to the Administrative Secretary (TA & Hills), Government of Manipur to take his own decision if he wants to appear before the Manipur Lokayukta, so that he may appraise the Manipur Lokayukta about facts and circumstances leading to the issuing of the said office memorandum dated 09.11.2018 signed by Shri Letkhogin Haokip, Addl. Chief Secretary (TA & Hills), Government of Manipur or have the aforesaid file produced through a responsible Senior Officer if he so thinks it will suffice the purpose.

4. The Hon'ble Apex Court in a catena of cases had held that if documents in possession of a public functionary, who is under a statutory obligation to produce the same before the court of law, falls and/or neglects to produce the same, an adverse inference may be drawn against him (reference State Inspector of Police vs. Surya

Sankaram Karri (2006) 7 SCC 172). Para 18 of the SCC in State Inspector of Police vs. Surya Sankaram Karri (2006) 7 SCC 172 is reproduced hereunder:

“18 It is now well settled that when a document being in possession of a public functionary, who is under a statutory obligation to produce the same before the court of law, fails and or neglects to produce the same, an adverse inference may be drawn against him. The learned Special Judge in the aforementioned situation was enjoined with a duty to draw and adverse inference. He did not consider the question from the point of view of statutory requirements, but took into consideration factors, which were not germane.”

5. The Hon'ble Apex Court in M.S. Narayana Menon Vs. State of Kerala & Anr. (2006) 6 SCC 39 has also held that two adverse inferences in the instant case are liable to be drawn against the second respondent i.e. (i) he deliberately has not produced his books of accounts, and (ii) he had not been maintaining the statutory books of account and other registers in terms of the Stock Exchange bye-laws. In Khunan Lal Rallaram, AIR 1961 SC 1316 it was held that if relevant evidence is withheld, the court may draw a presumption to the effect that if the same was produce, it might have gone unfavourable to the plaintiff.

6. Deputy Registrar is directed to communicate this order to the Addl. Chief Secretary (TA & Hills), Government of Manipur for necessary action without fail and also to all the parties of Complaint Cases.

7. Fix this case on 15.05.2023 for further proceedings.

Sd/-
MEMBER

Sd/-
CHAIRPERSON