

COMPLAINT CASE NO. 1 OF 2022

06.10.2023

[1] All the parties are represented by their respective counsels.

[2] It has been brought to our notice that Respondent No. 1, Shri Armstrong Pame had filed a Writ Petition being W.P.(C) No. 671 of 2023 against (1) the Manipur Lokayukta, (2) Shri P. Shanker Singh, MPS (Inquiry Officer of Manipur Lokayukta), (3) Shri Lanranglung Gondamei (Complaint of the present case), (4) Shri P. Sana Singh, Retired MCS (Respondent No. 2 of the present case), (5) Shri Robertson Asem, MCS (Respondent No. 3 of the present case), (6) Shri Thuankulung Gangmei (Respondent No. 4 of the present case), (7) Shri Kh. Lovejoy (Respondent No. 5 of the present case).

[3] Mr. P. Ibomcha, learned counsel appearing for the Respondent No. 1 (Shri Armstrong Pame), who is the Writ Petitioner of W.P.(C) No. 671 of 2023 placed a copy of the Writ Petition before us. At a glance, it appears that the main crux of the Writ Petition is regarding opportunity of filing comment under Section 20 (2) of the Manipur Lokayukta Act, 2014 to the materials, information and documents collected during the inquiry. Therefore, it is alleged in the Writ Petition that there is non-compliance of Section 20 (2) of the Manipur Lokayukta Act, 2014. It is the admitted case of all the parties that the Inquiry Officer before submitting the Preliminary Inquiry report called the comment to the materials, information and documents collected during the inquiry from the competent authority and the competent authority has already filed the comment. During the course of the inquiry, the statement of the writ petitioner (Shri Armstrong Pame) was recorded. Only after completing the procedure, the Inquiry Officer submitted the Preliminary Inquiry Report.

[4] In the present case, we have taken extreme care to see whether the principle of natural justice has been duly complied with or not. The Inquiry Officer, during the course of inquiry, this case was to call the comment of Shri Armstrong Pame (Writ Petitioner) to file his comment to the Preliminary Inquiry Report. It is worthwhile to know that Respondent No. 1, Shri Armstrong Pame (Writ Petitioner) without making any objection as to the procedure of conducting the preliminary inquiry had filed his written comment to the Preliminary Inquiry Report submitted by the Inquiry Officer. The aim and object of Section 20 (2) and Section (3) of Manipur Lokayukta Act, 2014 is crystal clear that at least opportunity of being heard should be made available to all the accused before the Court take any decision as to whether there exists prima facie case for investigation. Therefore, there is a subjective compliance of Section 20 (2) and (3) of the Manipur Lokayukta Act, 2014 is complied with.

[5] In the present case, it appears that Shri Armstrong Pame, Respondent No. 1/Writ Petitioner has voluntarily waived his chance to raise objection to the procedure and proceeding of the Preliminary Inquiry as he has filed his comment to the Preliminary Inquiry Report under Section 20 (3) of the Manipur Lokayukta Act, 2014. Therefore, we are of the considered view that there is substantive compliance of the requirement of the opportunity of being heard for making available all the principle of natural justice as provided under Section 20 (2) and (3) of the Manipur Lokayukta Act, 2014 to all the parties.

[6] We are also of the considered view that the requirement provided under Section 20 (2) of the Manipur Lokayukta Act, 2014 is only directory inasmuch as there is no provision of penal consequence if the process prescribed under Section 20 (2) of the Manipur Lokayukta Act, 2014 is not complied with for all technicalities. Over and above, in the present case, the requirement for giving opportunity of filing comment to the Preliminary Inquiry Report has already been made available to the Respondent No. 1 (Writ Petitioner of W.P.(C) No. 671 of 2023), Shri Armstrong Pame vide our order dated 31.07.2023 passed in the present complaint. The relevant portion i.e. para no. 4.1 of our order dated 31.07.2023 is reproduced hereunder :

“[4.1] As provided under Section 20 (3) of the Manipur Lokayukta Act, 2014, we have to decide, after giving opportunity of being heard to the respondents, whether there exists a prima facie case and proceed with one or more of the actions mentioned in sub-para (3) of Section 20 of the Manipur Lokayukta Act, 2014. Accordingly, Deputy Registrar, Manipur Lokayukta is directed to issue notice, returnable on or before 21.08.2023, to the respondents i.e. (i) Shri Armstrong Pame, IAS, S/o Heitung Pame, a resident of New Impa Village, Tousem Sub-Division, Tamenglong District, Manipur; (ii) Shri P. Sana Singh, Retired MCS, S/o (L) P. Ibohal Singh resident of Meitei Langol Lairembi Leikai P.O. & P.S. Lamphel, Imphal West, Manipur; (iii) Shri Robertson Asem, MCS, S/o Asem Dorendro Singh, resident of Ningthoukhong Oknarel Leikai, P.O. Ningthoukhong, P.S. Bishnupur, Bishnupur District, Manipur; (iv) Shri Thuankulung Gangmei, S/o Late Makhuamchang Gangmei resident of Makhuam/Marangching Village, P.O. & P.S. Noney; and (v) Shri Kh. Lovejoy, S/o Kh. Majoreng resident of Pungmon (Pungmonchingchen) P.O. & P.S. Noney, Noney District, Manipur – 795159, for submission of their comment, if any, to the Preliminary Inquiry report, for taking appropriate decision as provided under Section 20 (3) of the Manipur Lokayukta Act, 2014.”

[7] The Respondent No. 1 appeared before Manipur Lokayukta through his counsel on 18.09.2023 and filed his comment to the Preliminary Inquiry Report. Now the question raised before the Hon'ble High Court of Manipur in W.P.(C) No. 671 of 2023 was appeared that it had been deny that the Writ Petition is denying on fair and above, we have discusses only his opportunity being heard the comment to the Preliminary Inquiry Report in the present case on his comment to the Preliminary Inquiry Report. We are of the considered view that denying of the settle law

[2] The complainant had filed his written comment dated 27.09.2023 to the Preliminary Inquiry Report submitted by Inquiry Officer, Shri P. Shanker, MPS stating that Shri Robertson Asem, MCS has performed his duty by conducting the field survey dated 19.01.2016.

[3] Complainant is directed to furnish a copy of his written comment dated 27.09.2023 to all the respondent on or before the next date fixed for hearing of the present case.

[4] Because of none appearance of the parties due to the reason given above, the hearing of the present complaint case is adjourned to 06.10.2023. However, it is cautioned that further adjournment of the hearing will not be entertained except on exceptional circumstances.

[5] Registry is directed to furnish a copy of this order to the learned counsels for the parties through electronic means.

[6] List this case on 06.10.2023 for hearing.

CHAIRPERSON