

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

COMPLAINT CASE NO. 1 OF 2024

In the matter between:

Shri N. William Singh, S/o (L) N. Rajen Singh, a resident
of Irengband Turel Mamang, P.O & P.S – Kakching.

... Complainant

Shri Cheshabam Badur S/o Md. Mufiguiddin, a resident of
Sora Karanchi, P.O & P.S – Kakching, Kakching District,
Pradhan of Irengband Gram Panchayat.

..... Respondent/Opposite Party

BEFORE

Mr. Ameising Luikham, Hon'ble Acting Chairperson

For the Complainant : Complainant in person.

For the Respondents: Respondent in person.

DATE OF ORDER : 05.06.2024

JUDGMENT AND ORDER

[1] Heard both the Complainant and Respondent.

[2] The brief of the case is that one N. William Singh a resident of Irengband Turel Mamang, P.O & P.S – Kakching filed a complaint dated 18.01.2024 before Manipur Lokayukta alleging that one Cheshabam Badur S/o Md. Mufiguiddin, a resident of Sora Karanchi, P.O & P.S – Kakching, Kakching District, Pradhan of Irengband Gram Panchayat had misappropriated the funds for the works mentioned below in connivance with the undernoted beneficiaries without executing the following works under State Finance Commission. The name of the works along with the name of beneficiaries are as under:

- (i) Construction of Public Pond Stair at Irengband Turel Mamang Ward no. 2/8 under 2017-18 SFC at an estimated cost of Rs. 1,30,000/-.
Beneficiary – Md. Burhanuddin S/o Md. Mufiguiddin of Sora Karanchi.
- (ii) Construction of Hand Pump at Hawairou Mayai Manglem Thongal Ward no. 2/5 under 2019-20 SFC at an estimated cost of Rs.1,50,000/-
Beneficiary – Md. Aslam Khan S/o Md. Mufiguiddin of Sora Karanchi.
- (iii) Construction of Pond Stair at Irengband Sabal Leikai Ward no. 2/8 under 2020-21 SFC at an estimated cost of Rs. 1,03,470/-.
Beneficiary – Md. Ch. Habib S/o Ch.Rajaoddin of Sora Karanchi.
- (iv) Construction of 2(two) nos of Solid Waste Tank at Irengband Turel Maning ward no. 2/9 under 2020-21 SFC at an estimated cost of Rs. 1,50,000/-.
Beneficiary – Md. Ch. Habib S/o Ch.Rajaoddin of Sora Karanchi.

[3] Manipur Lokayukta after going through the complaint passed an order dated 25.01.2024 wherein it was mentioned that there exists a prima facie case for holding a preliminary inquiry as contemplated under section 20(1) of the Manipur Lokayukta Act, 2014 and accordingly directed the Inquiry Wing, Manipur Lokayukta to conduct a preliminary Inquiry and to submit the report within the period prescribed under the Manipur Lokayukta Act, 2014

[4] In compliance of the order dated 25.01.2024 passed by Manipur Lokayukta, the Director (Inquiry), Manipur Lokayukta submitted a letter being No. 1/Dy.reg/Corr/Mn.Lokayukta/2024/37 dated 29.01.2024 stating that the Preliminary Inquiry of the complaint case is entrusted to Shri Kh. Duneshwor Singh, MPS for conducting inquiry of the complaint and submit the report within the period prescribed in Manipur Lokayukta Act, 2014.

[5] On 12.04.2024, the Director (Inquiry), Manipur Lokayukta vide his letter No. 1/ML/Dir(INQ)/2024 dated 12.04.2024 submitted the Preliminary Inquiry Report of the present case. The said letter of the Director (Inquiry), Manipur Lokayukta was also accompanied by a letter of the Inquiry Officer being No. 1(COMPLT)/ML/DIR(INQ)/2024 dated 12.04.2024. The operative portion of the Preliminary Inquiry Report as reflected in para nos. 3, 4 and 5 are as under:

“[3] The decision of release of 70% of the fund in advance to the beneficiaries for starting the work was taken by a resolution of the Panchayat Sitting. However, there is a no written directive from the Directorate of the RD&PR, Manipur regarding the mode of release of fund to the beneficiaries [Page no. 37-41].

[4] During the further course of inquiry, site inspection of the alleged 4 (four) nos. of works were carried out along with the officials of the Kakching CD Block. The Panchayat Secretary of the Kakching CD Block pointed out the said works. On inspection, the works were found to be executed and progress of the work completed. [Page no. 42-43]

[5] From the above facts and findings, the allegation of misappropriation of fund without executing the above mentioned 4(four) nos. of works under State Finance Commission by the Pradhan of the Irengband G.P in connivance with the beneficiaries of the works could not be held proved."

[6] After receiving the Preliminary Inquiry Report, Manipur Lokayukta in order to give ample opportunity to the Complainant as well as to the Respondent, passed an order dated 16.04.2024 directing them to submit their comment on the Preliminary Inquiry Report, if any, to the Preliminary Inquiry Report and fix 22.04.2024 for submission of their comment, if any.

[6.1] Manipur Lokayukta also passed an order dated 24.04.2024 directing its Deputy Registrar to send a copy of that order to the Inquiry Officer to complete the process of obtaining comments of the public servant and competent authority. Accordingly, Director (Inquiry) Manipur Lokayukta vide his letter No. 1/ML/DIR/(INQ)/2024/28 dated 02.05.2024 and vide his letter No. 1/ML/DIR/(INQ)/2024/30 dated 20.05.2024 requested the Addl. Chief Secretary (RD&PR), Government of Manipur to obtain comments of the Hon'ble Minister in-charge of RD&PD, Department, Govt. of Manipur; the Head of RD&PD Department who is competent authority under Section 2(1)c(v) of the Manipur Lokayukta Act, 2014. No comment has been received from the competent authority.

[7] The Complainant as well as the Respondent has filed their written comments on 03.05.2024 generally agreeing to the conclusion of the Preliminary Inquiry Report.

[8] After taking into consideration all the aspects discussed above and the contents of the Preliminary Inquiry Report, it appears that there is room for improvement to be made by the Administrative Department in the execution

of such type of works by the Panchayats insofar as it relates to close monitoring and supervision of the work for completion within the specified period of time after advance payment has been made to the work agency/contractor. Accordingly, the Administrative Department would also require to consider whether the quantum of huge advance payment to the extent of 70% made to implement the work is excessive thereby leaving not much room for Engineering Cell to take corrective action with the balance amount that is available for proper monitoring and timely completion of the work.

[9] With the above recommendation/advice Complaint Case No. 1 of 2024, as reported in the Preliminary Inquiry Report and also the submission made by the Complainant that he has nothing more to add, is required to be closed and hence closed.

[10] Registry is directed to furnish a copy of this order to :

- (i) the Administrative Secretary, RD&PR, Government of Manipur;
- (ii) the Director (Inquiry), Manipur Lokayukta;
- (iii) the Inquiry Officer of the present case; and
- (iv) all the parties.

Sd/-
ACTING CHAIRPERSON