Item No.1

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No.4 of 2020

1. Shri Thoudam Hemjit, aged about 39 years, S/o late Th. Gunamani Singh, a resident of Waiton Mayai Leikai, P.O. Pangei, P.S. Heingang, Imphal East District, Manipur, PIN – 795114.
2. Shri Konthoujam Joy Meetei, aged about 54 years, S/o late K. Lalbabu Meetei, a resident of Wakhong Makha Leikai, P.O. Pangei, P.S. Sagolmang, Imphal East District, Manipur, PIN – 795114.

.....Petitioners

- **Versus -**

1. The State of Manipur through the Secretary (Works), Government of Manipur, Manipur Secretariat, P.O. & P.S. Imphal, Imphal West District, Manipur, PIN – 795001.
2. The Chief Engineer, Public Works Department, Government of Manipur, Khuyathong, P.O. Imphal, P.S. City, Imphal West District, Manipur, PIN – 795001.
3. The Executive Engineer, Imphal East Division, Public Works Department, Government of Manipur, Khuyathong, P.O. Imphal, P.S. City, Imphal West District, Manipur, PIN – 795001.

.....Respondents

4. Shri Luwangthem Tarpon Singh, aged about 63 years, S/o Late L. Gulamjit Singh, a resident of Keishampat Thokchom Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur, PIN – 795001.

....Private Respondent

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE LANUNGSUNGKUM JAMIR

For the Petitioner	::	Mr. M.Rakesh, Advocate
For the Respondents	::	Mr. P.Tamphamani, Jr. Advocate To learned AG
Date of Order	::	**10.02.2020**

O R D E R (ORAL)

CJ,

[1] The prayers in this PIL are as follows:-

> "i. to admit this writ petition and issue rule Nisi;
>
> (ii) to issue a writ in the nature of mandamus or any other appropriate writ or order directing the respondents to ensure construction of the 6 meter span RCC slab culvert at Yumnam Patlou in strict compliance with the specification enumerated in the work order;
>
> (iii) to issue a writ in the nature of mandamus or any other appropriate writ or order directing the respondents to remove the slab casted on 21st January 2020, which was casted against the specific direction of the authority;
>
> (iv) in the interim to issue a writ in the nature of mandamus or any other appropriate writ or order directing the respondents and the private respondent No. 4 to stop constructions of RCC slab culvert at Yumnam Patlou;
>
> (v) to issue a writ in the nature of mandamus or any other appropriate writ or order directing the respondents to take punitive action against the private respondent No. 4 in accordance with the procedure established by law;
>
> (vi) to issue any other appropriate order or direction which the Hon'ble Court deems fit and proper in the facts and circumstances of the case."

[2] The allegation in the PIL is that on 14th April, 2016, the Public Works Department, Manipur issued a work order for improvement of Imphal Saikul road and construction of 6 meter span RCC Slab Culvert at Yumnam Patlou. It appears that the 4th respondent has been given the work to be completed by 24 months. According to the statement made in the PIL, the 4th respondent failed to start construction but substantial amount has been drawn by him. The petitioner submitted a representation on 21.06.2018 to the Director, Anti-Corruption Department/Vigilance, Government of Manipur. This was on the basis of materials collected under Right to Information Act given by the

authorities on 12.11.2018 enclosing the work order issued by 3rd respondent to the 4th respondent on 14.4.2016.

[3] Since the work has not been completed in time and alleging that there is favouritism and nepotism, a representation was given to the Hon'ble Chief Minister, Manipur on 20.06.2019 at page 32. The petitioner states that respondent No.3 invited the petitioner to go for a joint inspection of the work site on 18.01.2020. On 19.01.2020, the petitioner participated in the Joint Inspection of the construction of RCC slab culvert. According to the petitioner, on inspection, he came to know that construction of the RCC slab culvert was not as per specifications. Hence, the present PIL has been filed.

[4] As per petitioner's statement, accepting the complaint, the respondent No.3, the Executive Engineer, Imphal East Division , Public Works Department, has allowed the petitioner for a joint inspection and in that inspection, something wrong was found in the nature of construction. The petitioner should have submitted his detailed objection to the Executive Engineer/ Chief Engineer and/or the Secretary, Works, Government of Manipur, who can take appropriate action if the content of the allegations based on inspection report is correct.

[5] There is no necessity for this Court to go into such issues at this point of time. A duty is cast upon the respondents No. 1, 2 and 3, the implementing agency to oversee the work as per specification and to be completed in time and without any fraud being committed by the contractor. At this stage, there is no need for this Court to issue any direction or order except

calling upon the respondents No.1 to 3 to exercise care and caution in respect of all construction activities of the Public Works Department by way of periodical inspection and also by ensuring that the quality of work is upto the mark. They also have to ensure that no excess payment is made prior to execution of the works which may lead the contractor to taking away the money and abandoning the works as is alleged in this case. This appears to be the common complaint in many civil contracts. Furthermore, there should be accountability on the part of the Assistant Engineers, Executive Engineers and Chief Engineer of the PWD. If the quality suffers, it is only on account of the inaction, lethargic or careless attitude of the officials. Needless to state that it is the duty of these officials to ensure that public money is properly utilised for construction of buildings, bridges, roads, etc. in an efficient manner and that public money is not wasted at the altar of private interest.

[6] The petitioner is directed to give a detail objection to the authority, who shall look into the matter immediately without any further delay. This order shall apply to all construction activities in the State of Manipur by the respondent Department.

[7] With the above observation, the PIL stands disposed of.

JUDGE **CHIEF JUSTICE**

FR/NFR

Opendro(rt)

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