

(2020) 02 MAN CK 0015

In the Manipur High Court

Case No : Public Interest Litigation No. 5 Of 2020

Md. Meinam Sidique And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 17-02-2020

Acts Referred:

Citation : (2020) 02 MAN CK 0015

Hon'ble Judges : Ramalingam Sudhakar, CJ; Lanusungkum Jamir, J

Bench : Division Bench

Advocate : N. Jotendro, M.C. Linthoingambee, N. Kumarjit, W. Darakishore

Final Decision : Disposed Of

Judgement

Ramalingam Sudhakar, CJ

[1] This PIL has been filed for the following relief:-

â??(i) issue rule and call for records;

(ii) issue a writ in the nature of mandamus or any other appropriate writ in the nature of mandamus or any other appropriate writ of the like nature for

a direction to the official respondents to handover the bank passbooks and job-cards to the concerned beneficiaries of the Maibam Uchiwa Village

under the area of Maibam Uchiwa Gram Panchayat as the job-cards and the bank passbooks are not handed over to the concerned beneficiaries by

the Respondents No. 9 & 10 coupled with a prayer to handover the same within certain stipulated period so as to enable to get the wages given under

the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) at the Maibam Uchiwa Gram Panchayat by the beneficiaries

strictly to the statutory guidelines of the National Rural employment Guarantee Act, 2005 (NREG Act) as no money has been obtained through the

bank accounts as the beneficiaries have never seen their respective bank accounts and passbooks and also the job cards and also further prayed to

consider the Representations dated 16.12.2019 and 29.01.2020 addressed to the Deputy Commissioner, Thoubal, Manipur and Deputy Commissioner,

Kakching, Manipur respectively (as annexed at Annexure- A/5 & A/6) so as to enable the beneficiaries to receive benefits/wages directly into their

bank accounts and to further punish the persons responsible (more particularly the Respondent No. 8 and 9) for carrying out the anomalies and

misappropriation of funds and to hold them responsible for their respective criminal acts by referring the matter to Central Investigating Agency like

Central Bureau of Investigation (CBI for short) in order to find out the truth of the malpractices committed by the respondents and book those

responsible persons/officers under relevant provisions of law and to further hold those accountable person under the provisions of the Manipur Public

Servants' Personal Liability Act, 2006 so as to enable the public to receive back the misappropriated amount within a certain stipulated period;

(iii) further direct the State Bank of India, Thoubal Branch to recover and surrender the respective Bank Pass Books which had been opened in

dummy accounts along with ATM Cards before the Registry of the Hon'ble Court;

(iv) further direct the Respondents No. 8 & 9 to surrender/handover all the bank accounts opened in the name of beneficiaries of the Maibam Uchiwa

Gram Panchayat;

(v) in the interim, direct the respondents more particularly the respondents No. 2 to 10 not to release the entitled money of the Job Card Holders

without the leave of the Hon'ble Court;

-AND-

(vi) Pass any further order/orders, direction/directions which this Hon'ble Court may deem fit and proper to secure the ends of justice.â??

[2] The present PIL is a sequel to the PIL No.1 of 2012 which was disposed of on 29.05.2018. This Public Interest Litigation has been filed for a

direction to the official respondents to handover the bank passbooks and job-cards to the concerned beneficiaries of the Maibam Uchiwa Village

falling under the area of Maibam Uchiwa Gram Panchayat.

It is alleged that the job-cards and the bank passbooks are not handed over to

the concerned beneficiaries by the Respondents No. 9 & 10 so as to enable to get the wages under the Mahatma Gandhi National Rural employment Guarantee Scheme (MGNREGS). The statutory guidelines of the National Rural Employment Guarantee Act, 2005 (NREG Act) is violated as the beneficiaries have never seen their respective bank accounts or the passbooks. The job cards are withheld by the respondents No. 9 and 10. There is also a prayer to consider the Representations dated 16/12/2019 and 29/01/2020 addressed to the Deputy Commissioner, Thoubal, Manipur and Deputy Commissioner, Kakching, Manipur respectively filed as Annexure-A/5 & A/6) so as to enable the beneficiaries to directly receive benefits/wages from their bank accounts instead of running behind respondent Nos. 8 & 9. It is pleaded that the persons responsible (more particularly the Respondents No.8 and 9) should be punished for the illegalities and misappropriation of funds and hold them responsible for their criminal acts. It is pleaded that the matter be referred to Central Investigating Agency to find out the depth of the malpractices committed by the respondents and book those responsible person/officers under relevant provisions of law. Further to hold those officers involved liable under the provisions of the Manipur Public Servants' Personal Liability Act, 2006.

[3] The allegation is that though many of the people of the village are having Job Cards, they do not know the Bank Accounts to which the money is being deposited under the scheme. A paltry sum is released in their favour by cash by respondent Nos. 8, 9 & 10 who collect the amount from the bank without the knowledge of the actual beneficiaries. In this regard, a complaint has been given to the Deputy Commissioner, Thoubal on 16.12.2019, Annexure-A/5 and to the Deputy Commissioner, Kakching on 29.01.2020, Annexure-A/6. No action is taken. Even they are aware of such wrong doing by the 8th, 9th and 10th respondents.

[4] Heard Mr. N. Jotendro, learned senior counsel for the petitioners, Mr. N. Kumarjit, learned Advocate General for the State and Mr. Darakishore, learned Sr. Panel Central Govt. Counsel for the respondent No. 1.

[5] The scope of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and the role of the Officers has been very clearly stated by this Court in the order dated 29.05.2018 passed in PIL No. 1 of 2012. In para 10, 11 & 12 of the order dated 29.5.2018, this Court issued

specific directions as under:-

â??[10] In view of the matter, we are inclined to direct the Commissioner/Secretary (RD &PR), Govt. of Manipur to call for a report from every

District Collectors on the proper implementation of Mahatma Gandhi National Rural Employment Guarantee scheme and take appropriate action

wherever the officials failed to execute the Mahatma Gandhi National Rural Employment Guarantee scheme in letter and spirit.

[11] The Commissioner/Secretary of the Department shall ensure that the District Collectors are made responsible for any violation or misuse of the

scheme by the subordinate officials. There should be proper check by the Government through the District Collectors and ensure that misappropriation

of the funds granted under the Mahatma Gandhi National Rural Employment Guarantee scheme is not siphoned off.

[12] We direct the Chief Secretary, Govt. of Manipur to hold a meeting with the Secretary/Commissioner of the Department concerned and all the

District Collectors so that the Mahatma Gandhi National Rural Employment Guarantee scheme is implemented in a proper manner arresting all

loopholes that may lead to misappropriation and fraud. The officials who are found to have misappropriated the funds in any manner be proceeded

with as per law.

We dispose of the PIL as above, In view of the above, the other reliefs are unnecessary for the present.

Copy of this order be furnished to the Commissioner/Secretary (RD & PR), Govt. of Manipur and also to Mr. S. Nepolean, learned G.A for the State

respondents and to be circulated to all District Collectors.

Since the present case also has an identical relief, the order passed in PIL No. 5 of 2015 will apply in the present case as well.

Accordingly, this PIL stands disposed of on the same terms.

Copy of this order to be uploaded on the net.â??

[6] The above order dated 29.05.2018 covers the entire State of Manipur and the petitioners are entitled to move the authority, namely, the

Commissioner/Secretary of the Department and the District Collectors for implementation of the said scheme and also to point out any errors or

mischiefs committed by one or the other person in their individual capacity to violate the provisions of the Mahatma Gandhi National Rural Employment

Guarantee Scheme (MGNREGS). All acts tainted with illegality or misuse of the Scheme to be viewed seriously.

[7] A representation duly authorised by the actual beneficiaries should be submitted to these authorities. If the authorities fail to obey the directions

contained in para Nos. 10,11 & 12 of the dated 29.05.2018 passed in PIL No. 1 of 2012, the parties are at liberty to move the Court against such

official who disobeyed the order of this Court.

There is no necessity for further directions in a separate PIL. Since a comprehensive order is passed in the earlier PIL No.1 of 2012, this PIL stands

closed with liberty as above. The authority/Deputy Commissioner shall consider the representation as directed.

[8] The PIL stands closed.