

OFFICE OF THE APPELLATE AUTHORITY {Under section 19(1) of RTI Act 2005} C/o CGEWHO, 6th FLOOR, 'A' WING JANPATH BHAWAN (Old Indian Oil Building), JANPATH NEW DELHI-110 001	
AA's Reference No.	T-308/3(4) dated December 21, 2011.
Name of the Appellant	Ms Mohini Bhan
Address of the appellant	B-142, Kendriya Vihar, Kendriya Vihar, Sector-51, Noida. (U.P.)
Name of the Public Authority	Central Government Employees Welfare Housing Organization (CGEWHO), 6 th Floor, 'A' Wing, Janpath Bhawan, New Delhi-110 001.
Reference	Your Appeal before the First Appellate Authority dated the November 11, 2011

Background :

- Mrs Mohini Bhan along with six other GPA holder(s) who claimed to be the senior citizen had sought certain information regarding the registration process thr. a letter dated 11/03/2011 addressed to CEO/CGEWHO.
- Aggrieved on non-receiving any reply, she took the RTI route on 16/09/2011 to extract the information, enclosing a copy of the her earlier letter, written earlier jointly with six other GPA Holder of the property of the Kendriya Vihar in CGEWHO's Project at Sector-51, Noida.
- On receiving the letter on 16/09/2011, CPIO has issued an order dated 24/10/2011 covering all the queries raised by the group under the leadership of **Ms Mohini Bhan, resident of B-142, Kendriya Vihar, Sector-52, Noida.**
- Now, she has appealed before the Appellate Authority as if she wanted to teach how to interpret the rules and its implementation which are in force to govern the welfare housing scheme of CGEWHO.

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Decision/Clarification of the First Appellate Authority :

The rule 35 of CGEWHO says QUOTE 'The beneficiaries will not be permitted to dispose off the dwelling unit by way of Sale/Transfer/Assignment/ Long Lease/ by execution of Power of Attorney, under any circumstances, before transfer of the legal title of the dwelling unit by the CGEWHO in favour of the beneficiary. Any such transfer shall result in cancellation of allotment of the dwelling unit, in which case the allottee will pay penalty, as prescribed under the heading 'Cancellation Charges.' After transfer of the legal title of the dwelling unit in favour of the beneficiary, he/she may dispose off his/her dwelling unit, with prior permission of the concerned 'Kendriya Vihar Apartment Owners Association/ Society'. as per its byelaws.' UNQUOTE CPIO has referred the above rule in its order dated November 1, 2011 and enclosed a copy of the rules to the appellant to understand where, in fact, the executives are technically handicapped of the is.

It is further reiterated by the appellate authority that the appellant may please go through the underlined words of the above rule which does NOT give any **cognizance to the General Power of Attorney holder** in the CGEWHO's property before the legal title is transferred in the name of the beneficiary since CGEWHO is an autonomous body of **Govt. of India under administrative control of Ministry of Housing and Urban Poverty Alleviation**, announces housing scheme as a **welfare measure, exclusively for CETRAL GOVERNMENT EMPLOYEES on No Profit and Self-Financing basis**.

It was amply cleared to her by the CPIO through its *SPEAKING ORDER dated Nov.1, 2011* that '*any purchase on the basis of Agreement to Sell or General Power of Attorney does not have any legal sanctity*' as per the Rule-35 of CGEWHO so far the transfer of the ownership right is concerned. **GPA holder(s) are not allowed to present the deed of transfer before the Registering Authority since Rule-35, prohibit the same, as its present form and it is being followed in letter and spirit in all CGEWHO's Housing Scheme, completed so far.**

The appellant has tried to relate few instances of organizations like AWHO and IRWO without any evidential proof which does have any bearing to CGEWHO's cases are concerned.

Accordingly, the appellant is advised not to indulge into avoidable correspondences and waste the time of the Public Authority. It is a case of incorporating necessary amendment in the rules of transfer, if deemed fit, by the competent authority, nothing to do with Right to Information Act 2005.

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The AA is not agree with the proposal of the appellant that rules should not to be adhered to for the cases of senior citizens who had rather got the GPA for a sale transaction without going through the rules attached to it which is being made available in the website of CGEWHO (www.cgewho.nic.in) under section 4(1)(b) of RTI Act'2005.

CGEWHO has its own rules and regulations and the organizations will follow it in its letter and spirit; not in copying not in a manner in which other similar organizations like Army Welfare and Railway Housing Board etc.

The appellate authority, under the RTI, is neither any moral obligation to amend the rules of the organization nor to recommend it to the competent authority; since it will suit to a particular group of people.

The case is disposed off accordingly.

Date : 21/12/2011

M Narayanan

Director-Technical &

Appellate Authority (RTI)

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Name and address of the parties :

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2. **Shri M K Maity,** - For information.
Dy Director-Admn. & CPIO
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