

**No. 5/35/2015-Welfare
Government of India
Department of Personnel & Training
(Welfare Division)**

**Lok Nayak Bhawan, 3rd floor,
New Delhi the 15th February, 2016**

ORDER

The Department of Personnel & Training has received a request for recognition from newly formed Central Government Employees Residents Welfare Association, Type V and P Blocks, Nivedita Kunj, Sector 10, R.K. Puram, New Delhi (Registration No. S/ND/691/2015, New Delhi).

2. The request for recognition has been examined on the basis of the following details:-

(i) **Existing RWA:-** There already exists one CGERWA in Nivedita Kunj whose jurisdiction covers entire complex of Nivedita Kunj consisting of 498 Quarters as per details below:-

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|--------------------------|-------|
| Type V | : 295 |
| Type IV | : 98 |
| MS Apts. | : |
| Double Suits | : 35 |
| Single Suits | : 70 |
| Total number of Quarters | : 498 |

This CGERWA has been registered in the name of Nivedita Kunj Residents Welfare Association Nivedita Kunj (NKRWA), Sector-10, R.K.Puram, New Delhi vide Registration No.S/50056/2004.

(ii) **New RWA:-** This CGERWA has been registered as Central Government Employees Residents Welfare Association, Type V and P Blocks, Nivedita Kunj, Sector 10, R.K. Puram, New Delhi (Registration No. S/ND/691/2015, New Delhi) under Societies Registration Act, 1860. The new CGERWA has provided list of 210 residents with their signature of Type V and P Block, Nivedita Kunj. All of them have also paid membership fee and have resolved to resign from existing RWA (NKRWA) and form new RWA for Type V and P Block.

(iii) **Justification given by new CGERWA for its formation:-**

- **Large and unwieldy :-** NKRWA comprises of 498 quarters. Functioning of old CGERWA is getting hampered by sheer size and spread of whole colony.
- **Big Geographical Spread:-** Large coverage of NKRWA with many entrances and exit adversely affect security aspect.
- **Diverse Type of Quarter:-** The 498 quarters consist of different type of accommodation ranging from Type V to single room suits. This invariably leads to divergence of opinion among various groups on number of common issues.



- **Compact jurisdiction of new RWA:-** The entire area covered by 321 quarters is towards east of Nivedita Kunj complex and geographically compact and demarcated. Entrance/exist gates are separate.
- **Resolution to form new RWA:-** It has been signed by more than 200 residents.

(iv) **Representation of existing RWA against forming new RWA**

- Existence of recognized RWA for Nivedita Kunj. There already exist RWA registered and recognized by DOPT for entire Nivedita Kunj (Type V, Type IV and Hostel Block with total 498 flats)
- Election results accepted by DOPT
- RWA is engaged in Welfare activities
- New RWA managed to get signatures of 210 members and registered new association for Type V and P Block causing encroachment of jurisdiction of Existing RWA.
- Old RWA has forwarded signatures of 9 residents stating that these residents do not wish to form new RWA and that new CGERWA had taken signatures under false pretext.
- Creation of new RWA without putting the matter with General Body Meeting.
- General Body Meeting called by old RWA on 6.9.2015 which was not attended members of new association. The AWO was present in the meeting and was in favour of one RWA.
- Creation of parallel RWA is hampering financial and security arrangements.

(v) **Recommendation of Area Welfare Officer (AWO):** AWO after examining the various representations/request of both CGERWAs has furnished his specific comment. as below:-

- History of disputes:- AWO has brought out that even during 2013-2015 there were many disputes relating to monthly charges and combined RWA has history of infighting.
- Geographical areas of both associations (new and old) are not overlapping and separately manageable.
- In case both the Associations manage their work separately, there will be harmony in respective association.
- If Groups of residents as per their quarter types, decide to organize in separate RWA, there is no harm in allowing them to function.
- New Association is satisfying norms laid down in DOPT order dated 13.5.1997.

AWO has concluded that the interest of residents of the colony would be served better by two RWAs. He has further recommended that old/combined association (NKRWA, Regn. No.S/50056/2004) shall be instructed to move application to Society Registrar to amend Rule 3 of their MOA/Rules (regarding jurisdiction/area of operation), to replace existing jurisdiction of 'entire Nivedita Kunj' with revised jurisdiction of 'entire Nivedita Kunj except Type V and P Block'.

(vi) **Meetings/discussion with AWO & RWAs**

In order to sort out the issue number of meeting/discussions were held with existing RWA, newly registered RWA and concerned AWO. During the discussion it

transpired that existing RWA is not ready for bifurcating itself. They are of the view that signatures of Type V Quarters were taken on false pretext. In this connection they submitted a List signed by nine residents of Type V Quarter stating that they do not resolve to resign from existing RWA and do not intend to form new RWA. The signatures provided by existing RWA were tallied with list of residents and their signatures provided by newly registered RWA stating that these members resolve and resign and form new RWA. It transpired that out of signatures provided by existing RWA, only two residents were also listed in the list provided by new RWA. Thus this list cannot be taken as substantial proof of residents of Type V Quarters for not agreeing to form new RWA. Further AWO has brought out that subsequent to providing list of 210 members for forming new RWA, the new RWA has informed that there are 321 Quarters (Type V and P Block), out of which 300 are occupied and out of this new RWA has 247 members.

The newly formed RWA do not want to continue as members of old RWA and have already resigned from membership of existing RWA.

(vii) Conclusion:

1. The existing RWA do not want itself to be bifurcated however, it is unable to run smoothly as it has come to notice that number of members of Managing Committee have resigned and in their place new members have been nominated.
2. The existing RWA itself has stated that they are in great difficulty in day to day functioning and providing security.
3. Newly registered RWA has produced list of 210 members alongwith their signatures who have resolved to resign from existing RWA and form new RWA by paying membership fee of Rs.100 each.
4. New RWA has got itself registered under Societies Act 1860. The act does not prohibit registration of more than one RWA.
5. Newly Registered RWA fulfills following condition for recognition laid down vide letter No. 13.5.1997.
 - RWA has registered itself
 - It has more than 200 members
 - List of present Managing Committee has been provided
 - Model Constitution has been adopted
 - Membership enrolment certificate provided. These members have resolved to resign from NKRWA.
6. The Model Constitution for RWA lays down following condition for recognition.

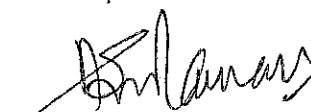
The Jurisdiction or the Area of operation of Association:- This shall state in unambiguous terms the jurisdiction of the Association in which it shall function. There should be a specific mention of the name of Blocks e.g., Block 'A', 'B', 'C', of or the types of Qrs/Blocks (e.g. 500 Quarter from No..... to No.....), the residents of which shall be entitled to become members of the Association. The area of operation should be a compact one, that is to say, it should not be fragmented/disjointed or scattered. Another important point is that it should not encroach upon or overlap the jurisdiction of another Association in the vicinity recognized by the Department of Personnel & Training.



In the present case the newly registered RWA encroach upon/overlap the jurisdiction of existing RWA as it covers entire complex of Nivedita Kunj including Type V and P Block, whereas the new RWA's jurisdiction is only Type V and P Blocks.

7. The objective of RWAs is to foster a spirit of mutual help and goodwill among inhabitants and members of Association and promote general welfare of the employees. A set of residents belonging to Type V and P Block have resigned from existing RWA and thus expressed their unwillingness to continue with existing RWA. Formation/membership of RWA is purely voluntary activity and for welfare of Residents.

8. **Order:-** Keeping in view the above circumstances when one set of residents (Type V and P Block) have resigned from existing RWA and registered themselves separately perhaps, no welfare of residents would be achieved in continuing existing RWA with complete jurisdiction of Nivedita Kunj when more than 200 residents of Type V and P Block do not want to be part of existing RWA. Further keeping in view number of complaints/rifts in functioning existing RWA, there seems to be some inherent problem. Respecting the wishes of residents of Type V Quarters and P Block and mainly in view of promoting welfare of residents of these blocks and keeping in view recommendations of AWO, DOPT recognizes the new RWA i.e. Central Government Employees Residents Welfare Association, Type V and Block P, Nivedita Kunj, Sector 10, R.K. Puram, New Delhi (Registration No. S/ND/691/2015, New Delhi. However, at the same time the existing RWA is directed to amend its jurisdiction (by excluding Type V Quarters and P Block) and amending name of RWA accordingly also by prefixing Central Government RWA before their name so that the name is as per the Model Constitution.


(N. Sriraman)
Chief Welfare Officer

To,

1. Shri R.K. Pandey, Area Welfare Officer, Sector 7, R.K. Puram and Nivedita Kunj, New Delhi, House No.706, Sector 4, R.K. Puram, New Delhi.
2. Nivedita Kunj Resident Welfare Association Nivedita Kunj (NKRWA), Sector-10, R.K.Puram, New Delhi (Through Area Welfare Officer)
3. Shri Abhijit Sinha, Secretary, Central Government Employees Residents Welfare Association, Type V and Block P, Nivedita Kunj, Sector 10, R.K. Puram, New Delhi, House No.G-22, Nivedita Kunj, Sector 10, R.K. Puram, New Delhi

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| प्राप्ति एवं प्रेषण विभाग, लोक सचिव भवन Dept. of Personnel & Trg., L. M. Bhawan प्राप्ति और निगम अनुभाग Receipt & Issued Section |
| 24 FEB 2016 |
| जारी किया / ISSUED |

