MINUTES OF THE 48TH MEETING

FEDERAL GOVERNMENT EMPLOYEES HOUSING FOUNDATION
SHAHEED-E-MILLAT SECRETARIAT
ISLAMABAD
***

Subject: **MINUTES OF THE 48TH MEETING OF THE EXECUTIVE COMMITTEE OF FEDERAL GOVERNMENT EMPLOYEES HOUSING FOUNDATION HELD ON 7.1.1998.**

The 48th meeting of the Executive Committee was held on 7.1.1998 at 11.00 a.m. in the Committee Room of the Housing and Works Division under the Chairmanship of Secretary, Housing and Works. The list of participants is appended.

2. The meeting started with the recitation from the Holy Qur'an by Mr. Muhammad Riaz, Director General, Pakistan PWD.

Item #1:
CONFIRMATION OF THE MINUTES OF THE 47TH MEETING OF THE EXECUTIVE COMMITTEE.

3. Syed Zaki Haider, Acting Financial Adviser, Ministry of Finance who attended 47th meeting of the Executive Committee on behalf of the Financial Adviser, Works had made three observations on the minutes of the said meeting. Two of his observations were incorporated in the minutes. However, the Executive Committee took exception to his third observation which was as follows:

> *"As stated in para 10 of the draft minutes, the short-fall in the financial receipts of the Foundation was met from the loan of Rs 100 million extended by the Finance Division. Therefore, the Federal Government/Finance Division reserve the right to overrule any recommendation of the Executive Committee including the recommendations relating to amendment in the Memorandum and the Articles of Association of the Foundation."*

The Executive Committee did not agree to the observation made by Acting Financial Adviser, It was observed that the loan of Rs 100 million had already been paid back to the Finance Division along with the interest and at present no financial liability was outstanding against the Housing Foundation on that account. The decisions of the Executive Committee were taken unanimously and the views expressed by the members are recorded invariably in the minutes of the meetings.

4. Mr. Amjad Ali Shaikh, Joint Secretary, Cabinet Division pointed out that among the co-opted members of the Executive Committee, there is no representation of the category-I allottees. He, therefore, desired that an allottee from the said category be also coopted as a member of the Executive Committee. The Director General, Housing Foundation, informed that the coopted members, mostly being allottees of phase-1 of the housing scheme at Islamabad. had not been showing interest in attending the meetings despite invitation to do so. He proposed that coopted members may be taken from the allottees of the ongoing phases, i.e., Phase-II and Phase-III preferably those based at Islamabad so that they may be able to attend the meetings of the Executive Committee conveniently.

5. The Chairman directed that the proposal for fresh coopted members may be put up to the Executive Committee in its next meeting.

Item #2:
IMPLEMENTATION STATUS OF DECISIONS TAKEN IN THE 47TH MEETING OF THE EXECUTIVE COMMITTEE.

6. The Director General, Federal Government Employees Housing Foundation apprised the Executive Committee of the actions initiated in pursuance of the decisions taken in the 47th meeting held on 11.6.1997.

Item # 3:
CONSTRUCTION OF HOUSES IN PHASE-I OF THE HOUSING SCHEME AT ISLAMABAD - CANCELLATION OF ALLOTMENTS OF THE DEFAULTERS.

7. The Director General, Housing Foundation informed the Executive Committee that a sum of Rs 6 million had been disbursed amongst about 500 allottees of phase-I of the housing scheme till 31-12-1997 in terms of the compromise reached between the petitioner allottees and the Ministry of Housing and Works/Housing Foundation as filed in the Supreme Court of Pakistan on 22.5.1997 and approved by the Executive Committee in its 47th meeting held on 11.6.1997,. The disbursement of the financial relief to the remaining allottees would be made on case-to-case basis within 2 - 3 months.

8. The Executive Committee was informed that despite final notices, allottees of 34 houses had failed to clear their outstanding dues. It was proposed to cancel allotment of the said houses in terms of the decision taken in the 42nd meeting of the Executive Committee held in January 1995.

DECISION

9. *The Executive Committee decided that the defaulting allottees should be served with the final notice and in case they failed to clear their dues within the notified period, their allotments should be cancelled and the left-over houses offered for allotment to the interested allottees of Phaser-II on the basis of their age-wise seniority.*

Item #4

PROGRESS REPORT ON HOUSING SCHEME OF PHASE-III FOR THE FEDERAL GOVERNMENT EMPLOYEES ON OWNERSHIP BASIS:

ACQUISITION OF LAND:

10. The Director General, Housing Foundation, informed the Executive Committee that the issue of inordinate delay in acquisition of land in G-13 sector Islamabad was discussed in a meeting held on 20.9.1997 under the Chairmanship of Additional Secretary (Social Sectors), Prime Minister's Secretariat, which was also attended by the Deputy Commissioner, Islamabad and Member (Administration), CDA, on behalf of Chairman, CDA, wherein the Deputy Commissioner, Islamabad assured the acquisition of land and handing over of possession thereof to the Housing Foundation by the end of December, 1997. However, even the award could not be announced by the said date.

11. Ch. Mohammad Ali, Assistant Commissioner (Saddar)/Land Acquisition Collector, Islamabad informed that meetings were held with the local inhabitants in the office of Syed Zafar Ali Shah, MNA, to seek his help in acquisition of land in sector G-13, Islamabad. The MNA insisted upon the provision of plots to the local affectees on the rates prescribed for the eligible bonafide applicants of the Housing Scheme. It was clarified to the MNA that there was no provision in the Land Acquisition Act, 1894 to provide alternative land/plots to the local affectees in lieu of land/properties acquired nor was it covered by the duties and functions of the Housing Foundation as spelled out in its Memorandum and Articles of Association. Under the provisions of the Land Acquisition Act, only monetary compensation could be given to the affectees. The Assistant Commissioner Islamabad informed the Executive Committee that he would need three weeks time to announce the award in respect of agricultural land and immediately thereafter the land acquisition would start. However, for assessment of the value of the built-up properties, assistance of Pakistan PWD would be required.

12. The Chairman, Executive Committee stated that some protest/resistance from the affectees /local inhabitants was obvious and anticipated. He was, therefore, of the view that in order to minimise the intensity of the protest of the local inhabitants, the monetary compensation should be based on realistic market rates as transactions of the land are generally undervalued for avoiding stamp duty and other expenditures. He further stressed that compensation should be paid to the affectees only after taking over physical possession of the lands/properties.

13. Mr. Amjad Ali Shaikh, Joint Secretary, Cabinet Division, was of the view that no special formula of compensation may be adopted for acquisition of land in Islamabad because it will have repercussions on other cities.

DECISION

14. The following decisions were taken:

i) The award shall be announced by the Assistant Commissioner/Land Acquisition Collector by 31.1.1998.

ii) The Director General Pak PWD will depute suitable officials to assess the value of built-up properties in G-13 sector Islamabad in coordination with the Assistant Commissioner/Land Acquisition Officer, Islamabad.

DEVELOPMENT OF G-13 SECTOR

15. The Director General, Housing Foundation informed the Executive Committee that the issue regarding execution of development works in sector G-13 was discussed in a meeting held on 20.9.1997 under the Chairmanship of Additional Secretary (Social sectors), Prime Minister's Secretariat, Islamabad, which was also attended by the Member (Admn), CDA and Director, Lands, wherein it was decided that;

i) The development work in the sector will be entrusted to the CDA after obtaining necessary permission/clearance from the Executive Committee of the Housing Foundation.

ii) The CDA will delete the condition for allocation of 20% plots to the CDA employees for getting the approval from the CDA Board.

The Director General informed the Executive Committee that the CDA in its latest communication on 20.12.1997 had again insisted upon the following conditions while granting permission to undertake the Housing Schemes in sector G-13 and G-14/4, Islamabad.

i) Planning, designing and execution of development works by the CDA as "deposit works".

ii) Allocation of commercial plots to the CDA on actual cost basis.

iii) Allocation of 5% quota of plots to the CDA employees.

iv) Allocation of land planned in Mauve Area on actual cost basis to the CDA to meet with the requirements of Federal Government offices.

16. The Director General, Pak PWD wanted to know the estimated cost of development of G-13 sector by the CDA and how did it compare with the estimates furnished by NESPAK, NCL and Pak PWD. The Director General, Housing Foundation informed that the costs intimated by the CDA were higher than those given by the other agencies. Moreover, 8% departmental charges are levied by the CDA on the deposit works. The CDA may, therefore, review the cost estimates and may waive off or reduce the departmental charges for the welfare-oriented housing schemes of the Housing Foundation. Member (planning), CDA, agreed to furnish the cost estimates on the basis of criteria/standards adopted in other residential sectors.

17. Member (Planning), CDA., stated that the condition of allocation of commercial plots to the CDA on actual cost basis was made to utilise their sale proceeds for meeting the maintenance cost of G-13 sector. The commercial plots were to be disposed of at the appropriate stage of development of the sector so as to fetch maximum price. According to him, it is desirable that the commercial plots may be given to CDA as 1000 kanals of land belonging to the CDA in the said would also be handed over to the Housing Foundation on actual cost basis. He further informed that no government funds were allocated for the maintenance works and the municipal taxes collected by the CDA were inadequate to meet the maintenance expenditure. As the CDA was performing the development as well as municipal functions in Islamabad and all the main services in G-13 sector would have to be connected to the main systems of the CDA., sufficient funds would be needed to meet all those requirements.

18. The Director General, Housing Foundation, explained to the Executive Committee that the prices of the plots as indicated in the brochure were worked out on the basis of cross subsidy from the sale proceeds of the commercial plots. He was of the view that if the commercial plots were given to the CDA, the entire pricing schedule of the residential plots would be upset and the cost of developed plots might be increased tremendously which would not be acceptable to the allottees of the scheme.

19. The Chairman was of the view that it was a universally accepted principle that maintenance costs of the cities/towns are met from the municipal taxes levied by the concerned corporations. Nowhere such charges are met by disposing of commercial plots. If the CDA felt that the property tax levied on the inhabitants was not adequate enough to carry out the maintenance work, the Authority may increase or restructure the taxes. The Chairman, however, showed his inclination to hand over the commercial plots to the CDA in case it was ensured that the cost of developed plots as indicated by the Housing Foundation in the brochure for the scheme would be maintained. The Member (Planning) CDA showed his inability to concede on this point.

20. As regards allocation of 5% of the residential plots for the employees of the CDA, Member (Planning), CDA stated that the said proposition was in line with the policy adopted in the previous phases of the housing schemes undertaken by the Housing Foundation wherein 20% plots had been earmarked for the CDA employees. Since there as no provision in the present Land Allocation Policy to accommodate the CDA employees, the CDA Board had proposed allocation of 5% of the plots in sectors G-13 and G-14/4 for the purpose.

21. The Director General, Housing Foundation clarified that the allocation of 20% of the residential plots for the CDA employees was one-time arrangement agreed by the Ministry of Housing & Works/Housing Foundation in respect of additional plots made available by the CDA in I-8 sector only which constituted Phase-I (Extension) of the housing scheme in Islamabad. In Phase-II of the housing scheme, no plots were specifically earmarked for the CDA employees. In Phase-III, the CDA employees were eligible to apply along with the employees of other autonomous/semi-autonomous organisations. Moreover, in the meeting held in the Prime Minister's Secretariat on 20.9.1997, it was decided that the CDA would delete the condition of specific allocation of plots to its employees.

DECISION

22. *In the light of the detailed discussions and the directions of the Prime Minister's Secretariat, the Executive Committee took the following decisions:-*

i) The CDA will furnish preliminary cost estimates for planning, designing and execution of development works in the said sectors so as to compare the same with those received from other agencies. The CDA will also consider the possibility of waiving off or reducing the departmental charges on these welfare-oriented housing schemes.

ii) No special allocation of plots to the CDA employees will be made as per directions conveyed by the Prime Minister's Secretariat.

iii) Commercial plots in sectors G-13 and G-14/4 will not be allocated to the CDA on actual cost basis. The same will, however, be disposed of through open auction for cross subsidising the cost of developed/serviced plots in order to adhere to the prices tentatively given in the Brochure of the scheme.

iv) The CDA will also intimate the area of the land to be allocated for "Mauve Area" of sectors G-13 and G-14/4 along with the policy adopted in this respect in other developed sectors. The cost of the CDA land in the said sectors proposed for adjustment towards the cost of developed land in the "Mauve Area" will also be intimated to the Housing Foundation.

JUDGES

Scrutiny of Applications:

23. The Director General, Housing Foundation informed the Executive Committee that 96 application were received from the Judges of various courts and the same were forwarded to the Law and Justice Division for scrutiny and conveying recommendations for allotment as per procedure for allotment laid down in the brochure for Housing scheme (Phase-III). He explained that the applicant Judges could be categorised as follows:-

i) Judges on the regular strength of the Supreme Court, Federal Shariat Court and High Courts.

ii) Judges appointed on ad-hoc basis.

iii) Judges re-employed on contract basis after attaining the prescribed age of superannuation.

iv) Judges of the Special Courts/Tribunals, who though enjoyed powers, privileges etc., equivalent to the Judges of High Courts but are not on the regular strength of the High Courts.

v) Retired Judges.

24. The Executive Committee was informed that the Law and Justice Division had not responded to the persistent requests made by the Housing Foundation to furnish the requisite recommendations. The Director General, Housing Foundation requested the Executive Committee to consider the issue in the light of the criteria for eligibility as laid down in the brochure according to which applicant Judges under category (i) only as indicated above qualify for allotment of plots.

DECISION

25. *The Executive Committee decided that only Judges on the regular strength of the Supreme Court, Federal Shariat Court and High Courts as on the cut-off date of first of April 1996 be considered for allotment as clearly stipulated in the brochure of the Scheme.*

26. The Director General, Housing Foundation informed the Executive Committee that it was decided in the 47th meeting of the Executive Committee held on 11.6.1997 that allotment of category-I plots earmarked for the Judges and Civil Servants be bifurcated in the ratio of 30:70 in order to rationalise the distribution of plots among these two categories due to difference in the age of superannuation in respect of Judges and Civil Servants. However, in a meeting held on 20.9.1997 in the Prime Minister's Secretariat presided over by the Additional Secretary (Social Sectors), it was decided that the above referred decision may be got revised by the Executive Committee to restore the original position. The matter was, therefore, placed before the Executive Committee for reconsideration of its earlier decision.

27. The Chairman was of the view that the Directive of the Prime Minister's Secretariat should be complied with without any question. However, Legal Adviser of the Housing Foundation, who had been invited to attend the meeting, expressed his apprehensions that the decision taken in the meeting at the Prime Minister's Secretariat might be challenged and stayed by the Court which would adversely affect the materialisation of the scheme. The Director General Housing Foundation suggested to accommodate some of the left-over Judges in the surplus plots to be created in sector G-14/4 developed for the Quaid-i-Azam University Staff Housing Scheme.

DECISION

28. Executive Committee decided to reverse its earlier decision in connection with the distribution of the plots in compliance with the directions from Prime Minister's Secretariat. A consolidated list of the eligible Judges and Federal Government Employees would be prepared for allotment of plots strictly on the basis of age-wise seniority.

WIDOWS, DISABLED EMPLOYEES AND HARDSHIP CASES:

29 The Director General, Housing Foundation apprised the Executive Committee that as per decision in its meeting held on 11.6.1997, 5% quota earmarked for widows, disabled employees and hardship cases, was further distributed as follows:

Widows	3%
Disabled employees	1%
Hardship cases	1%

He informed the Executive Committee that as per laid down criteria for allotment of plots to the widows and disabled employees, the seniority of the applicants was to be fixed on the basis of length of service rendered by deceased/disabled employees. In order to determine the interse merit of disabled employees, it was proposed to the Executive Committee that all applicants qualifying under the disabled quota may be categorised according to the nature and severity of disability as detailed hereunder:-

(a) **Class "A" - Major Disability**

i) Loss of use of two or more limbs.
ii) Total loss of eye sight.
iii) Paraplegics or hemlegia.
iv) Lunacy.
v) Wounds, injuries or diseases resulting in a disability due to which a person becomes incapacitated.
vi) Advanced incurable diseases where a special recommendation, on the merits of each case, is made by the medical board/medical authority.

(b) **Class "A" - Partial Disability**

i) Loss of hand or foot.
ii) Very severe facial disfigurement.
iii) Emasculation.
iv) Total loss of speech.
v) Total deafness (both ears).

vi) Advanced cases of incurable disease.

Note: *Wounds, injuries or disease of limb resulting in damage of nerves, joints or muscles making the whole of limb useless would mean loss of that limb. However, cases in which a partial function is retained will not be included in this class. Only such cases will be included in this class where the earning capacity of the individual has been totally impaired due to invaliding disability.*

(c) **Class "B" - Minor Disability**

i) Loss of thumb of at least three fingers of hand.
ii) Partial loss of one or both feet at or beyond tarsome/tatarsal joint.
iii) Loss of vision of one eye.
iv) Loss of all toes of one or both feet.

30. The Director General, Federal Government Employees Housing Foundation proposed that a sub-committee comprising the following members may be constituted to assess the degree of disability in each case and submit recommendations for allotment of plots for approval of the Chairman, Executive Committee.

i)	Senior Joint Secretary (Works)	Chairman
ii)	Deputy Secretary (Admn) Housing and Works	Member
iii)	Director (Finance & Admn) Housing Foundation	Member
iv)	One Senior Officer of the Pakistan Medical Council to be Co-opted as Member	
v)	One Medical Officer of the Federal Government Services Hospital nominated by the Medical Superintendent to be Co-opted as Member	
vi)		
vii)		

31. The Joint Secretary, Cabinet Division, proposed that representatives from the Cabinet Division and Finance Division may also be taken on the proposed sub-committee. The Executive Committee agreed to the said proposal.

32. Regarding hardship cases, it was decided by the Executive Committee that a sub-committee comprising Secretary, Cabinet and Secretary Finance may be constituted to consider

the applications received against the said quota on case to case basis and submit its recommendations to the Chairman, Board of Governors for approval.

OTHER ISSUES

33. The Director General, Housing Foundation, informed the Executive Committee that there were certain cases of those eligible bonafide applicants who had already taken refund of their deposits in response to the press notification in April, 1997 but those cases were now likely to mature for allotment due to deletion/elimination of priority-II cases or ineligible applicants from the seniority lists. He proposed that the cases of such eligible bonafide applicants may be considered on merit and they may be allowed to redeposit the seed money.

DECISION

34. The Executive Committee agreed that the cases of those eligible bonafide applicants who had already taken refund of their deposits in response to the press notification in April, 1997 but whose cases were now likely to mature for allotment due to deletion/elimination of priority-II cases or ineligible applicants from the seniority lists, may be considered on merit and they be allowed to redeposit the seed money.

35. The Director General, Housing Foundation, informed the Executive Committee that there were certain cases wherein the eligible bonafide applicants whose cases were likely to mature for allotment had knowingly withdrawn their deposits, but they have now asked for permission to redeposit the seed money. He requested the Executive Committee to give its decision whether such applicants may be allowed to redeposit the seed money by acceding to their requests.

DECISION

36. The Executive Committee did not agree to allow to redeposit the seed money by those eligible bonafide applicants whose cases were likely to mature for allotment but they had knowingly withdrawn their deposits.

37. The Director General, Housing Foundation informed the Executive Committee that certain applicants of phase-III had represented and requested that the policy of according priority-I to those bonafide applicants of categories I and II, who already owned residential plots measuring upto 200 sq. yds. as already adopted in phase-II may be continued in Phase-III.

DECISION

38. The Executive Committee did not agree to grant priority-I to those bonafide applicants of categories-I and II who already owned residential plots measuring upto 200 sq. yds.

39. The Director General, Housing Foundation informed the Executive Committee that there were cases in which both husbands and wives happened to be eligible bonafide applicants. It was to be decided as to whom priority should be given for allotment of plots.

DECISION

40. The Executive Committee decided that the applicants (whether husband or wife) senior in age may be considered for allotment of plots in Phase-III.

Item 5:
HOUSING SCHEME FOR THE QUAID-I-AZAM UNIVERSITY STAFF IN SECTOR G-14/4, ISLAMABAD.

41. The Director General, Housing Foundation, informed the Executive Committee that the Prime Minister had approved the recommendations relating to the Quaid-i-Azam University Staff Housing Scheme as conveyed by the Ministry of Education vide their letter No.F.4-4/95-UE-1 dated 6.8.1997 namely;

"i) The housing scheme may not be allowed on QAU land now and even in future. A law may be enacted for this purpose, if necessary.

ii) The QAU Staff Housing Scheme may be re-located in Sector G-14/4 for which CDA shall earmark/grant permission for its development through the Federal Government Employees Housing Foundation.

iii) The land acquisition of the sub-sector G-14/4 be undertaken by the Housing Foundation under the Land Acquisition Act, 1894 through the Collector, Islamabad.

iv) Cost of land acquisition and subsequent for payment of development cost by the members of QAU Staff Housing Scheme will be drawn up and intimated by the Housing Foundation.

v) 754 plots shall be created in Sector G-14/4 for QAU Staff Housing Scheme. Plots in Sector G-14/4 in excess of the

requirements of QAUSHS will be utilized by the Housing Foundation to accommodate the excess demand in Sector G-13 being developed by the Housing Foundation.

vi) The modalities regarding (ii) to (v) above shall be worked out by the Ministry of Education, Quaid-e-Azam University, CDA and the Ministry of Housing and Works.

vii) Financial liabilities created due to work stoppage on the site may be worked out by the Ministry of Education, Quaid-i-Azam University in consultation with Finance Division and compensatory one time grant may be provided by the Government.

viii) The University has its own residential colony for employees. The University may also construct its own flats in the colony to accommodate its employees."

42. The Executive Committee was informed that a per information supplied by the QAU, 754 plots of various sizes would be needed for re-allocation of their housing scheme. It was noticed that the maximum size of the plot was given as 666.67 sq. yds. (60'x100') whereas the same was to be restricted to 600 s yds (60'x90') in terms of the National Housing Policy and the bye-laws of the CDA. The CDA had already issued permission to undertake the said scheme in G-14/4 sector Islamabad with conditions similar to those put forth of the housing scheme (Phase-III) in G-13 sector. The Deputy Commissioner, Islamabad had already been approached to initiate land acquisition proceedings in G-14/4 sector Islamabad.

DECISION

43. The Executive Committee approved the following actions:

i) The Deputy Commissioner, Islamabad may be asked to expedite land acquisition for the Quaid-e-Azam University Staff Houasing Scheme in G-14/4 sector Islamabad.

ii) The CDA may be approached to earmark the boundaries of G-14/4 sector and supply the necessary data/information to the Deputy Commissioner, Islamabad, for acquisition of land.

iii) The task of designing, planning and execution of development work in G-14/4 sector shall be entrusted to the CDA on the same terms and conditions as agreed in respect of G-13 sector Islamabad.

iv) *The permission to allot plots of 666.67 sq. yds. size in relaxation of the upper limit fixed at 600 sq yds size shall be sought from the Prime Minister through a summary.*

Item #6:

EXPRESSION OF INTEREST FOR THE CONSTRUCTION OF LOW COST HOUSES/FLATS FOR THE LOW INCOME FEDERAL GOVERNMENT EMPLOYEES ON OWNERSHIP BASIS - JOINT VENTURE AGREEMENT

44. The Director General, Housing Foundation informed the Executive Committee that the Sub-committee constituted under the Chairmanship of Financial Advisor (Works)in the last meeting of the Executive Committee held on 11.6.1997 had finalized the draft Joint Venture Agreement for under taking construction of low cost flats/houses by the Housing Foundation in collaboration with the private sector parties. The Executive Committee was apprised of salient features of the proposed Joint Venture Agreement namely:-

i) The Federal Government Employees Housing Foundation shall provide land for the project as its share of equity for the Joint Venture.

ii) The builder shall contribute Rs 50 million as its share of equity in the Joint Venture. An amount of Rs 15 million shall be deposited immediately on signing the Agreement. The balance amount shall be deposited in two equal installments within a period of 2 months from the date of signing of Joint Venture Agreement.

iii) The builder shall furnish a Performance Bond, equal to 10% of the cost of construction of flats under the Project, within 15 days from the date of signing the JV Agreement.

iv) The affairs of Joint Venture shall be managed by a Board, comprising two members representing each party i.e., Federal Government Employees Housing Foundation and the builder.

v) A JV account shall be opened and maintained with a designated branch of the National Bank of Pakistan at Karachi and operated by joint signatures of the authorised representatives of the two parties.

vi) The Housing Foundation shall give possession of plot to the JV, within 30 days of the signing of JV Agreement, provided the builder has deposited a sum of Rs 32.5 million in the JV account and furnished the Performance Bond.

vii) The builder shall prepare all necessary designs, drawings, and get it passed from the concerned authorities.

viii) The flats, in the Project shall be offered for sale to the Federal Government employees as per terms and conditions approved the Housing Foundation.

ix) Applications for allotment of flats shall be invited by the JV and seed money collected in an account designated by the Housing Foundation. The list of successful applicants fulfilling the prescribed criteria of eligibility, shall be prepared by the Housing Foundation and their accounts transferred in the JV account. The subsequent payments on amounts of cost of construction of flats shall, however, be deposited directly by the allottees in the JV accounts.

x) In case of poor response from the Federal Government employees for the purchase of flats, the scope of Project shall be limited upto the response received.

xi) The selling price of the flats to be allotted to the employees of Federal Government shall be mutually decided by the Joint Venture parties. The builder/developer shall complete the work within the period of two (2) years from the date of start of construction.

xii) The construction cost shall be paid to the builder/developer at agreed construction costs/rates.

xiii) The builder/developer shall arrange HBFC loan for the allottees, who so desire, the expenses of which shall be borne by such allottees.

xiv) The profit, after adjustment of cost of land, cost of construction and other expenses shall be shared among the parties on the basis of equity provided by each party.

DECISION

45. *The Executive Committee approved the Joint Venture Agreement drafted by the Sub-Committee under the Chairmanship of Financial Advisor (Works) and asked the Director General Housing foundation to send the same to the private sector parties already pre-qualified for the purpose to furnish their bids for the construction of flats, in the first instance, on the developed piece of land in KDA scheme No.33 at Karachi.*

Item #7:

ALLOTMENT OF PLOTS OUT OF 20% QUOTA EARMARKED FOR THE EMPLOYEES OF CDA IN I-8 SECTOR, ISLAMABAD

46. The Director General, Housing Foundation informed the Executive Committee that in April 1990 it was decided that 20% of the residential plots out of the additional plots allocated by the CDA for allotment in I-8 sector in Phase-I extension would be earmarked for allotment to the employees of CDA. As per agreed procedure, CDA communicated the names of its employees selected for allotment of plots and the formal allotment letters were issued by the

Housing Foundation. Consequently, 283 plots of various sizes were allotted to the employees of CDA out of 343 plots earmarked for the purpose. Thus, 60 left over plots were still available.

47. The Director General further informed the Executive Committee that the Board of Allotment of the Capital Development Authority had recently decided that the plots allotted to the CDA employees in I-8/3 sector may be transferred after completion of houses without obtaining NOC from the Housing Foundation as the same was not mandatory for the plots allotted in the said sector to the employees of CDA. He explained to the Executive Committee that the above mentioned decision was not in consonance with the bye-laws of the Housing Foundation whereby a sum of Rs 20/- per sq. yds. was charged from the allottees for obtaining NOC from the Housing Foundation on completion of the houses. The Director General proposed that the responsibility of allotting plots including the left-over plots in I-8 sector to the employees of CDA may be dispensed with and CDA be asked to deal with the issue of allotment of plots to its employees directly without involvement of the Housing Foundation.

DECISION

48. The Executive Committee decided that the decision taken by the Board of Allotment of the Capital Development Authority for exemption from the service charges /fee leviable under the rules of the Housing Foundation was not acceptable and the same therefore was not required to be implemented.

49. The Executive Committee also decided that in future allotment letters in respect of CDA employees for plots in I-8 sector Islamabad would not be issued by the Housing Foundation.

Item #8:

ASSIGNMENT OF PRIORITY FOR ALLOTMENT OF A CATEGORY-I PLOT IN PHASE-II OF THE HOUSING SCHEME TO S. FAROGH NAWEED, ADDITIONAL SECRETARY, PRIME MINISTER'S SECRETARIAT

50. The Executive Committee was informed that Mr. S. Farogh Naweed, Additional Secretary, Prime Minister's Secretariat had applied for allotment of a category-I plot in Phase-II of the Housing Scheme and as per information collected from the Establishment Division he was reported to own house No.36-B, Tariq Road, Multan. He was, therefore, accorded priority-II for the purpose of allotment of a plot.,

51. The Director General, Housing Foundation informed the Executive Committee that Mr. S. Farogh Naweed in a U.O. note dated 15th July, 1997 had stated that while going through the old record of house No.36-B, Tariq Road, Multan, it transpired that the above said house was allotted to his farther on December 18, 1959 from the Evacuee property against his claim of ancestral property left in India. He further informed that his father had sold the property subsequently and retained a plot of 6 marlas on which he constructed a house. According to Mr. Naweed the house is inherited and jointly shared by his three brothers and two sisters and his share in the house does not constitute an independent living unit.

52. The contents of an affidavit submitted by Mr. S. Farogh Naweed in support of his statement were read out to the Executive Committee by the Director General, Housing Foundation. In this connection para 2(vi) of the brochure was also referred to which reads as under:

> "Federal Government employees having a share not constituting an independent unit in a house inherited jointly by brother/sisters are eligible to participate in Phase-II of the Scheme."

The Director General further informed the Committee that the date of birth of Mr. S. Farogh Naweed was 1.7.1938 and he would have been allotted a category-I plot if he had been accorded priority-I because the date of birth of the last allottee of category-I plot in Phase-II was 1.6.1946. The case was placed before the Executive Committee for reconsideration in view of the position clarified by Mr. S. Farogh Naweed and documents submitted in support of his claim.

DECISION

53. *The Executive Committee considered the case of Mr. S. Farogh Naweed at length and approved allotment of a category-I plot to him in Phase-II of the housing scheme.*

Item #9:
WAIVING OF RECOVERIES ON ACCOUNT OF COST OF LAND FROM MRS. NASEEM AKHTAR, WIDOW OF LATE MOHAMMAD MATLUB KHAN, DIRECTOR, INTELLIGENCE BUREAU

54. The Director General, Housing Foundation informed the Executive Committee that a category-I plot measuring 500 sq. yds. in sector E-12 was allotted to Mr. Mohammad Matlub Khan, Deputy Director, Intelligence Bureau. An amount of Rs 250,000/- was payable as cost of

land by the allottee. He paid an amount of Rs 120,000/- only and as such an amount of Rs 130,000/- remained outstanding against him, since July, 1993. The said allottee died on 10.3.1997. His widow has requested that the outstanding may be recovered from her in easy instalments. The Director General, therefore, placed the case before the Executive Committee for directions regarding cancellation of the allotment due to default in payment of cost of land since 1993 or waiver of late payment surcharge in case the widow promised to pay outstanding amount of Rs 130,000/- within a month.

DECISION

55. *The Executive Committee decided that the widow may be asked to deposit the outstanding amount within one month and also produce the succession certificate. The plot will be transferred after fulfillment of all legal formalities.*

Item #10:
CASE OF SH. SAEED AHMED, EX-DISTRICT SESSION JUDGE FOR ALLOTMENT OF PLOT IN THE HOUSING SCHEME ON OWNERSHIP BASIS

56. The Director General informed the Executive Committee that in January, 1992, Sh. Saeed Ahmed, District and Session Judge, Attock had applied on plain paper for allotment of a category-I house in Phase-I (Extension) out of discretionary quota of the Chairman, Board of Governors. Since he belonged to the Provincial Government and was not eligible to apply in the said housing scheme and moreover the discretionary quota of the Chairman, Board of Governors had since exhausted, it was not found possible to accede to his request. He was informed accordingly vide letter dated 19.2.1992. Mr. Saeed Ahmad once again submitted an application to the then Minister of State for Housing and Works in October, 1992 as District Returning Officer under the Election Commission of Pakistan and claimed to be eligible for allotment of a plot in phase-I extension. The then Minister of State for Housing & Works (Makhdoom Muhammad Javed Hashmi) recorded on the application:

"Allotted according to the entitlement."

However, his eligibility for allotment of a plot could not be established on account of the following reasons

i) It is normal practice for the Election Commission to notify a provincial officer and in most cases an officer of the Provincial Judiciary as District Returning Officer. This does not convert

the status of the officer concerned as he continues to remain an officer of the Provincial Government.

ii) The discretionary quota in the housing schemes was already abolished under the Prime Minister's directive.

Later on, the case of Sh. Saeed Ahmad was recommended by late Malik Mohammad Qasim, Chairman, Federal Anti-Corruption Committee on 15.4.1996 for allotment of a plot in Islamabad in recognition of his meritorious services. The Minister for Housing and Works (Makhdoom Mohammad Amin Fahim) was pleased to record the following remarks on the application:-

"Please examine and take action."

The application was once again examined by then Chief Executive who also ordered as under:-

"We should consider his case of the next Phase which is coming very soon."

Sh. Saeed Ahmad was informed accordingly and he once again submitted an application (not on the prescribed form) to consider his case in Phase-III of the housing scheme.

57. The Executive Committee was further informed that Sh. Saeed Ahmad had produced a note dated 24.10.1997 by then Chairman, Board of Governors for allotment a plot in Phase-I (Extension) on top priority basis. He had also filed a civil suit in the Court of Senior Civil Judge, Islamabad and it was decided that the case of Sh. Saeed Ahmad would be placed before the Executive Committee for consideration against the quota reserved for hardship cases. The Director General placed the case before the Executive Committee for consideration.

DECISION

58. The Executive Committee examined the case in depth and decided to reject the same as it did not fulfil the criteria laid down for eligibility for allotment.

Item #11:

ACCORDING SENIORITY TO MR. SHAMIMUD DIN SIDDIQI DIRECTOR GENERAL FPSC IN PHASE-II OR ALLOWING HIM AS A SPECIAL CASE TO SUBMIT FORMAL APPLICATION FOR PHASE-III AT THIS BELATED STAGE:

59. The Executive Committee was informed by the Director General, Housing Foundation that Mr. Shamimud Din Siddiqi, Director General, FPSC, A BPS-20 officer who was entitled to category-I plot applied for allotment of a category-II plot in Phase-II of the housing

scheme. As per terms and conditions of the scheme, his name was placed junior to the last applicant of that category and as such his case could not mature for allotment of a plot. His case along with other similar affected applicants was placed before the meeting of the Executive Committee held on 18.9.1992 for according them seniority on the basis of age either in the category of their entitlement or in the category for which they had actually applied. The Committee did not agree to the proposal of according seniority in category-I and as such his advance money was refunded to him.

60. The Director General informed the Executive Committee that Mr. Siddiqi did not apply in Phase-III within the specified time and has now come up with the representation that he could not do so because he was admitted for open heart surgery in National Institute of Cardiovascular Diseases (NICVD), Karachi and remained under treatment from May 1995 to June, 1997. He has, therefore, requested that he may be allowed to submit his application as a special case for Phase-III. The Director General apprised the Committee that his date of birth is 18.7.1937 and as such if he had applied well in time he would definitely have been successful for allotment plot in Phase-III had his seniority been determined along with the eligible applicants of category-I or category-II. The Director General called upon the Executive Committee to decide:-

i) Whether he should be accorded seniority in category-I or II in Phase-II, or
ii) Special permission be accorded to him for submission of a formal application for Phase-III, at this belated stage.

DECISION

61. *The Executive Committee decided that the applicant could neither be accorded seniority in category-I or category-II in Phase-II nor could he be given special permission to submit a formal application for Phase-III at this belated stage when the scrutiny of the application was at its final stage.*

Item #12:
REFUND OF TRANSFER FEE TO BRIG (RETD) MUHAMMAD NAIM RANA IN RESPECT OF HOUSE NO.370, STREET 26, I-8/2 ISLAMABAD.

62. The Director General Housing Foundation informed the Executive Committee that Brig (R) Muhammad Naim Rana had bought house No.370, Street 26, I-8/2 Islamabad from the allottee of Housing Foundation (Mr. Aman-ur-Rehman) in October 1995. At that time the transfer

fee charged from the allottee was at the rate of Rs 50/- per sq. yd which came to Rs 30,000/-. The fee was subsequently reduced to Rs 20/- per sq yd by the Executive Committee in its meeting held on 12.1'1.1995. The revised fee was, therefore, made effective from November 12, 1995 onward. However, Brig(R) Muhammad Naim Rana has been claiming the differential amount of Rs 18000/- on the plea that the CDA had reduced its fee sometime in July 1995. The Director General explained to the Committee that the reduction in the transfer fee leviable by the Housing Foundation became effective from the date of its approval by the Executive Committee. Any claim prior to that date was not tenable. Moreover, the new buyer of the said house was not entitled to any claim whatsoever as the Housing Foundation invariably deals in all matters with the original allottee.

DECISION

63. The Executive Committee examined the claim of Brig (R) Muhammad Naim Rana and finally rejected the same.

ADDITIONAL ITEM

64. The Director General, Housing Foundation stated that the Executive Committee in its 46th meeting held on 29.10.1996 had approved hospitalisation of the employees of the Federal Government Employees Housing Foundation and designated three hospitals for specialized treatment. The facility is being extended to the employees since then. However, the term "Family" could not be defined at that time and it remains unclear whether dependent father and mother of the employees also come within the ambit of "Family" and as such whether the facility of free medical treatment is also extendable to them.

DECISION

65. The Executive Committee decided that the parents (dependent father and mother) may be allowed medical treatment in the already approved hospitals provided they are not retired employees of the Federal Government or other organisations to whom such facilities are permissible and medical expenses are reimbursable from their ex-employers.

66. The meeting ended with a vote of thanks to the Chair.

LIST OF THE PARTICPANTS OF 48TH MEETING OF THE EXECUTIVE COMMITTEE HELD ON 7.1.1998

1. Mr. Shaukat Ali Shaikh, ***In Chair***
Secretary,
Housing and Works Division,
Islamabad.

2. Mr. Abdul Rashid Baloch,
Senior Joint Secretary (Works),
Islamabad.

3. Mr. Muhammad Riaz
Director General,
Pak PWD, Islamabad.

4. Mr. M. Amjad Shaikh,
Joint Secretary,
Cabinet Division,
Islamabad.

5. Mr. Mehboob Elahi,
Financial Adviser (Works)
Islamabad.

6. Syed Waqar Ali,
Joint Engineering Adviser,
Works Division, Islamabad.

7. Mr. Sarshar Ali Malik,
Director General,
Housing Foundation, Islamabad.

8. Mr. Ghulam Mustafa Kazi,
Deputy Secretary (Admn),
Works Division.

9. Mr. Maqbool Ilahi,
Member (Planning),
CDA, Islamabad.

10. Mr. Shafiq Ali Siddiqi,
Director, Urban Planning,
CDA, Islamabad.

11. Ch. Mohammad Ali,
Assistant Commissioner (Saddar),
Islamabad.

12. Mr. Mansoor Ahmad,
Advocate, Supreme Court,
Legal Advisor,
Housing Foundation.

13. Mr. Ikram ul Haq,
Registrar,
Quaid-e-Azam University,
Islamabad.

14. Syed Hamid Hussain,
Director (Finance/Admn)
Housing Foundation, Islamabad.

15. Mr. Shahid Hameed,
Director (Technical)
Housing Foundation, Islamabad.