

MINUTES OF THE 70TH MEETING

FEDERAL GOVERNMENT EMPLOYEES HOUSING FOUNDATION
BLOCK NO.7(2ND FLOOR) MAIN CIVIC CENTRE
MELODY MARKET, ISLAMABAD

Subject:- MINUTES OF THE 70TH MEETING OF THE EXECUTIVE COMMITTEE OF THE FEDERAL GOVERNMENT EMPLOYEES HOUSING FOUNDATION HELD ON 26.9.2002 AT 11.30 A.M.

The 70th meeting of the Executive Committee of the Housing Foundation was held on 26.9.2002 at 11.30 A.M. in the Committee Room of the Ministry of Housing & Works, B-Block, Pak. Secretariat, Islamabad. Secretary, Housing & Works was in Chair. List of participants is enclosed.

2. The proceedings began with recitation from the Holy Quran. The Chairman welcomed the participants. Agenda item were then discussed.

Agenda Item No.1: CONFIRMATION OF THE MINUTES OF THE 69TH MEETING OF THE EXECUTIVE COMMITTEE.

3. The minutes of the 69th meeting were confirmed.

Agenda Item No.2: IMPLEMENTATION STATUS OF THE DECISIONS TAKEN IN THE 69TH METING OF THE EXECUTIVE COMMITTEE HELD ON 13.5.2002.

4. The implementation status of the decisions taken in the 69th meeting of the Executive Committee was reviewed. In case of item-4 the Director Gneral Foundation intimated that the outstanding recovery against the allottees of G-13 has reduced from 111.694 million in July 2001 to Rs.22.922 million in August 2002. Number of defaulters have reduced from 695 to 208. The Executive Committee stressed that the Foundation *would work out ways and means to affect the balance recovery expeditiously.*

5. In case of Agenda Item 6 of the 69th meeting, the Foundation submitted that the recovery of amount from Mr. Muhammad Munir Butt has been affected.

Agenda Item No.3: PROPOSED AMENDMENTS IN THE MEMORANDUM & ARTICLES OF ASSOCIATION OF THE FEDERAL GOVERNMENT EMPLOYEES HOUSING FOUNDATION.

6. The Foundation pointed out that there were contradictions in the Memorandum and Articles of Association of the Foundation and specially the definition of the 'Member' of the company was disputed. In the 6th meeting of the Board of Governors held on 21.4.1999, a sub-committee was constituted to review the existing provisions and propose amendments to the Memorandum and Articles of Association. The Sub-Committee could not proceed due to finalization of definition of 'Member'.

7. An advised was sought from the Law and Justice Division with the request to define the term 'Member' but they observed that "this Division is not supposed to define the term 'Member' of the Foundation. It is for the Foundation to define the term through its Executive Committee."

8. The matter was brought before the Executive Committee in its 68th meeting held on 21.1.2002 and the Foundation was advised the comprehensive study may be carried out and a comparison be drawn with such organizations which are similar to the Housing Foundation. The Foundation carried out an exercise and examined the cases of various agencies/organizations and found that Overseas Pakistani Foundation was one of the organizations registered under Section 42 of the Companies Ordinance 1984 as in case of the Housing Foundation. Based on the provision in the Memorandum and Articles of Association of OPF the term 'Member' was defined by the Foundation and placed before the Executive Committee.

9. The Executive Committee after detailed discussion approved the following definition of 'Member':-

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MEMBERSHIP.

- a) The member of the F.G.E. Housing Foundation shall be restricted to 11 as per detail given below:-
- i. Secretary(H&W).
 - ii. Joint Secretary(Works).
 - iii. Financial Adviser(Works).
 - iv. Joint Secretary, Ministry of Interior.
 - v. Joint Engineering Adviser.
 - vi. Director General, Pak. PWD.
 - vii. Director General, FGE Housing Foundation.
 - viii. Deputy Secretary(Admn), Works Division.
 - ix. Member Planning CDA.
 - x. Two representatives of Allottees.
- b) Every person subscribing to the Article of Association shall deemed to be the member of the Housing Foundation.
- c) Any allottee/beneficiary desiring to be a member, shall apply on prescribed form for application, duly proposed by a member and also seconded by another member. The application shall be put up before the Executive Committee. It shall be discretion of the Executive Committee to reject any application without assigning any reason whatsoever. On approval of the Executive Committee, the name of the applicant shall be entered as member and he shall be duly informed about it.”

10. The Executive Committee further directed that the Sub-Committee constituted to proposed amendments in the Memorandum and Articles of Association should now carry out the exercise expeditiously and furnish its recommendations for the consideration of the Executive Committee. The Executive Committee also decided that Director General, Housing Foundation will also be incorporated as Member/Secretary of the Executive Committee.

Agenda Item No.4: TRANSFERABILITY OF PLOTS IN THE HOUSING SCHEME AT KARACHI-MODALITIES AND FEE STRUCTURE.

11. The Executive Committee in its 69th meeting held on 13.5.2002 had approved the transferability of plots in the Housing Scheme at Karachi. However, the transfer fee and other modalities were yet to be approved by it.

12. The Foundation carried out an exercise and examined the modalities and fee structure of KDA and Defence Housing Authority and submitted its recommendations for the fee structure and format to be adopted.

13. The Executive Committee after detailed deliberation approved the following fee structure:-

a)	Transfer fee (all types of transfer except transfer to next of kin)	=	Rs.40/- Per Sq.yds.
b)	Transfer to next of kin	=	Rs.2000 lumpsum
c)	Service charges for lease	=	Rs.100/- per case.
d)	Any kind of certificate	=	Rs.50/- each
e)	Certified copies of documents.	=	Rs.50/- each
f)	Permission to mortgage/assign (for all types of plot)	=	Rs.500/- each

Agenda Item No.5: DEVELOPMENT CHARGES TO BE LEVIED UPON ALLOTTEES OF THE RESIDENTIAL PLOTS IN G-13.

14. The Foundation submitted six alternate proposals for the development charges to be charged from the allottees of G-13. The Director General Housing

Foundation explained the criteria for working out the proposal indicating the range to which the burden was to be shared by the allottees of the residential plots.

15. The Executive Committee observed that the rate of development charges should be uniformly charged from the allottees irrespective of the size of the plots. After detailed deliberation, the Executive Committee approved proposed option-I according to which the provisional development charges shall be recovered from the allottees at the uniform rate of Rs.300/- per sq.yds. in installments.

Agenda Item No.6: REPORT OF THE SUB-COMMITTEE ON HARDSHIP CASES.

16. Two reports of the Sub-Committee on the hardship were presented before the Executive Committee. The Sub-Committee held two meetings, one on 22.5.2002 and second on 19.8.2002 and had submitted its recommendations.

17. The recommendations of the Sub-Committee were examined in detail and each case was examined by the Executive Committee in the light of the criteria for hardship cases approved in the 69th meeting of the Executive Committee held on 13.5.2002.

18. After detailed examination of the report of the Sub-Committee dated 22.5.2002, the Executive Committee approved the following four cases:-

Category-I:

1. Mir Laiq Ali Shah,
Chairman, CDA.
2. Raja Abdullah Khan,
Retired Joint Secretary,
M/O Law.

Category-IV:

Mr. Mohammad Iqbal,
Sub-Engineer(Retd).
Pak. PWD.

Category-V.

Mr. Mohammad Sarwar,
Retd Head Constable,
Interior Division.

19. Similarly after detailed examination of the Sub-Committee report dated 19.8.2002, the Executive Committee approved the following five cases:-

Category-II.

Mst. Shirin Arshad,
Widow of Late Mr. Arshad Khan,
D.S. Cabinet Division.

Category-III.

Humaira Sohail
Widow of late Mr. Sohail Farah.

Journalists.

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| 1. | Syed Ayaz Ahmed Pirza | Cat-IV |
| 2. | Mr. Tariq Mehmood | Cat-V |
| 3. | Mr. Tahir Javed Rathore | Cat-III |

20. The Executive Committee also discussed the case of Mr. Mohammad Arshad Malik, Joint Secretary, M/O Interior placed at Annexure 6-C of the working paper and found that the case does not qualify under the criteria of hardship and accordingly *did not approve it.*

Agenda Item No.7: CLOSER OF DIFFERENT QUOTAS.

21. In the Phase-III of the Housing Scheme, the bifurcation of quotas was as follows:-

i)	Main Merit Quota	77%
ii)	Autonomous bodies	10%
iii)	Retired Federal Govt. Servants.	5%
iv)	Widows	3%
v)	Journalists	3%
vi)	Disabled	1%
vii)	Hardship	1%

The cut off date for submission of applications under S.No.(I) to (iv) was 1.4.1996, while for the Journalists the last date was 10.7.2001 and in the 68th meeting of the Executive Committee held on 26.2.2002, the quota was closed at the number of applications received and the balance plots were transferred to main merit quota.

22. For quota for the disabled, the cut off date was 1.4.1996 and the number of applicants recommend by the relevant committee and approved by the Executive Committee were allotted plots while no other application was pending.

23. The cut off date for hardship cases was extended upto 30.6.2002 and the cases received were examined by the Sub-Committee.

24. The Foundation recommended that all such quotas where no seniority list exists, may be closed and the balance plots be transferred to the main merit quota.

25. The Executive Committee approved the recommendations of the Foundation.

Agenda Item No.8: CASE OF MR. MOHAMMAD ALAMGIR, M.D. POF WAH FOR TRANSFER FROM CAT-III TO CAT-I.

26. The case of Mr. Mohammad Alamgir was examined by the Executive Committee in detail.
27. Mr. Alamgir, an applicant for Phase-III of the Housing Scheme had applied for a category-II plot. His date of birth is 24.10.1947. His case did not mature for allotment due to age-wise seniority, as the last applicant to qualify in Cat-II had a date of birth of 1.10.1944.
28. On 31.12.2001, he sent a letter to the Foundation that all the time of submission of his application, he was BPS-20 officer and was entitled to Cat-I plot and requested that his category may be changed from Cat-II to Cat-I. Since the rule position did not permit the change after finalization of seniority list the request was regretted.
29. On 10.5.2002, he submitted an application to the Chief Executive Secretariat that at the time of submission of application for a plot in 1996 he had erroneously opted for a plot of Cat-II on account of some confusion. While requesting for a change of category, he stated that "minor error of choice six years ago should not bring him to a catastrophic result of remaining devoid of a plot inspite of fulfilling all the prequalifications."
30. The views of the Housing Foundation are that:-
- a) It was not by an error that he had applied for a Cat-II plot. It was a well considered option exercised by him. He also paid the seed money in accordance with the schedule for Cat-II plot.
 - b) Had it been an error, it should have been pointed out and got rectified by him within a couple of months after submission of

application and should not have waited for 6 ½ years before realizing the error.

- c) The Foundation, after receipt of applications for any scheme prepares an age-wise seniority list for each category separately which is open to inspection by the applicants. Six years after the preparation of the age-wise seniority lists, induction of a name by transfer from one category to another would be against the norms of justice and would invite litigations.
- d) Mr. Alamgir has submitted the application only after realizing that his case is not likely to mature in Cat-II while for Cat-I the date of birth of the last applicant to qualify is 5.11.1947 and that is why he has now applied for a change which is not legally possible at this late stage.

Mr. Alamgir had requested to be heard in person, and accordingly he was invited to the Executive Committee meeting to present his point of view. Before the Executive Committee he pleaded his case on the following grounds:-

- a) He was a BPS-20 officer in 1996. Since he is a very busy man the forms were filled by his PA and he signed the forms.
- b). Seniority list of all the officers are maintained in the Establishment Division and accordingly his seniority should have been adopted from there and his name should have been automatically placed in the relevant list.

- c) He had applied for 500 sq.yds. plot and now the size of the plot has been reduced to 356 sq.yds without intimating him so he was being doubly penalized one by reducing the category and second by reducing the area of plot.

Mr. Alamgir also submitted a memo based on his submissions to the members of the Executive Committee during his presentation.

31. On detailed examination of the case, the Executive Committee observed that:-

- a) Mr. Alamgir had exercised well considered option to apply for a Cat-II plot and it was not an error or mistake of the PA as he states. He deposited the seed money also according to the Cat applied for.
- b) He has come out with his pleas 6 years after the cut off date when he realized that he had a better chance in Cat-I.
- c) Age-wise seniority lists prepared for each category of plot by the Foundation and change in the lists by transfer of a name from one category to another is not legally possible.
- d) Contention of Mr. Alamgir that seniority maintained in the Establishment Division is not relevant. Age-wise seniority is prepared by the Foundation for applicants in each category of plot opted by him. Each applicant is placed in the list of category opted by him.
- e) Lack of awareness regarding decision regarding reduction the size of the plot does not annul the decision. Even if the plot size had

remained as 500 sq.yd. for Cat-II, Mr. Alamgir's case could not have matured for allotment of Cat-II plot due to age-wise seniority.

- f) No legal rights were denied to him. He opted for a plot of Cat-II where his case has not matured due to age-wise seniority.

32. In view of these consideration, plea of Mr. Alamgir for allotment of a 500 sq.yards plot was not accepted by the Executive Committee.

Agenda Item No.9: RESTORATION OF PLOTS IN HOUSING SCHEME PHASE-III(G-13, G-14 4).

33. Case of Mst. Suraya Jabeen widow of Mr. Muzaffar Ali Khan, Superintendent of Ministry of Foreign Affairs was presented before the Executive Committee.

34. Late Mr. Muzaffar Ali Khan was an applicant of Phase-III for Cat-III plot and his case matured under age-wise seniority and accordingly on 4.9.1999 a provisional offer vide No.3(S-763)/96-HF was issued.

35. Since no payment beyond seed money was coming forth, notices were sent at all available addresses which went un-responded. The provisional offer was accordingly withdrawn and cancelled on 27.5.2002.

36. On receipt of the cancellation notice Mst. Suraya Jabeen wife of the allottee intimated that her husband (Mr. Muzaffar Ali Khan) had expired on 21.12.1996 and that she had received all the communications but after the demise of her husband she was surrounded by host of problems and was not in a position to respond or to deposit the amount. She pleaded that the cancellation may be withdrawn and that she was prepared to deposit the amount for which she has already raised money. Her case was recommended by the Foundation.

37. The Executive Committee taking a compassionate view in the matter approved the recommendations of the Foundation.

Agenda Item No.10: UPGRADATION OF THE POST OF LAW OFFICER FROM BPS-17 TO BPS-18.

38. The Housing Foundation presented the case of upgradation of the post of Law Officer from BPPS-17 to BPS-18 on the grounds of manifold increase in the quantum of work over a period of 12 years.

39. The matter was examined by the Executive Committee in detail. The Director General Foundation explained that for employees of the Foundation (other than those drawn on deputation from other departments or through Establishment Division). Recruitment rules are available according to which the Secretary(H&W)/Chairman, Executive Committee is the appointing authority for the officers from BPS-17 to BPS-20 while for promotion Committee for BPS-17 to 18 comprises:

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| i) | Chairman Executive Committee | Chairman |
| ii) | Director General, Housing Foundation. | Member |
| iii) | Director(Admn) | Member/Secretary |
| iv) | Director(Finance) | Member |

The powers to upgrade the post rests with the Executive Committee and precedence exists when the post of Assistant Computer Programmer was upgraded from BPS-17 to 18 by the Executive Committee. The upgradation has been requested on the grounds that the duties and responsibilities attached to the post have considerably increased, which is also one of the criteria laid down in the Establishment Division O.M.No.F.8/36/2000-R.I dated 20.1.2001.

40. After a detailed discussion, the Executive Committee approved the upgradation of the post personal to the incumbent.

Agenda Item No.11: CASE FOR MR. MUHAMMAD SULTAN FOR REFUND OF SEED MONEY.

41. Mr. Muhammad Sultan, an applicant of Phase-III had concealed a plot allotted to him by the Foundation in Phase-I of the Housing Scheme. Accordingly in the light of the decision of the Executive Committee, 100% seed money was forfeited by the Foundation.

42. The applicant filed a complaint before the Wafaqi Mohtasib against the decision of the Executive Committee. The Honourable Wafaqi Mohtasib disposed off the case, referring to the decision of the President in another case, by recommending that his case may be placed before the Executive Committee which is competent to arbitrate between the applicant and the Foundation.

43. The Executive Committee examined the case and observed that since the action has been taken by the Foundation in accordance with the decision of the Executive Committee, the action is in order.

44. The meeting concluded with a vote of thanks to the Chair.

LIST OF PARTICIPANTS

1. Mr. Mohanumad Aslam, In Chair.
Secretary,
M/O Housing and Works.
2. Mr. Abdul Ghani Sameen,
Joint Secretary(Works),
M/O Housing & Works.
3. Brig. M. Khalid Sohail Cheema,
Director General.
Pak. P.W.D.
4. Mr. Muhammad Arshad Malik,
Joint Secretary(IV),
M/O Interior.
5. Mr. Muhammad Raziq,
Financial Advisor(Works),
M/O Housing & Works.
6. Mr. Maqbool Elahi,
Member Planning, CDA.
7. Mr. Shahid Hameed,
Joint Engineering Advisor,
M/O Housing and Works.

Co-opted Members.

8. Mr. Ali Muhammad Sabir,
Cat-III.
9. Rana Taj Muhammad Khan,
Cat-IV.

IN ATTENDANCE.

10. Mr. Sarfraz Ahmed Mirza,
Director General, Housing Foundation.
11. Mr. Mohammad Nawaz Awan,
Director(Admn), Housing Foundation.
12. Mr. Ali Akbar Sheikh,
Project Director, Karachi.
13. Mr. Amjad Pervaiz Malik,
Deputy Director(Tech), Housing Foundation.
14. Malik Zafar Abbas,
Law Officer, Housing Foundation.
15. Mr. Shamim Gul Durrani,
Assistant Director(Admn), Housing Foundation.
16. Mr. Shahid Nadeem,
Assistant Director(E-II), Housing Foundation.