



FEDERAL GOVERNMENT EMPLOYEES HOUSING AUTHORITY
10-MAUVE AREA, G-10/4, ISLAMABAD

No.15 (7)/2019-HF (A)/5

23rd October, 2019

Subject: **MINUTES OF 5th MEETING OF THE EXECUTIVE BOARD OF FEDERAL GOVERNMENT EMPLOYEES HOUSING AUTHORITY HELD ON 21-10-2019**

The 5th meeting of the Executive Board of Federal Government Employees Housing Authority was held on 21-10-2019 at 10:30 am under the Chairmanship of Secretary Housing & Works in the Committee Room of Federal Government Employees Housing Authority, Islamabad.

2. The minutes of said meeting are enclosed for kind information / record.

Encl:- As Above


(Syed Naveed Zafar)
Assistant Director (Coord-I)

Distribution:-

- | | |
|---|---|
| i. Dr. Imran Zeb Khan
Chairman EC / Secretary,
M/o Housing & Works, Islamabad. | ii. Mr. Afzal Latif
Additional Secretary (Cabinet)
Cabinet Division, Islamabad |
| iii. Mr. Abdul Aziz Uqaili
Additional Secretary-I,
Ministry of Interior, Islamabad. | iv. Dr. Arshad Mahmood
Additional Secretary (Expenditures)
Finance Division, Islamabad. |
| v. Mr. Zahoor Ahmad
Additional Secretary
M/o Housing & Works, Islamabad. | vi. Mr. Akhtar Jan Wazir
Additional Secretary
Establishment Division, Islamabad |
| vii. Mr. Khashih Ur Rehman,
Draftsman,
Law & Justice Division | viii. Mr. Tariq Rasheed
Managing Director,
PHA Foundation, Islamabad. |
| ix. Mr. Shahid Farzand
Director General,
Pak. PWD, Islamabad. | x. Chief Commissioner
ICT, Islamabad. |
| xi. Chairman
Capital Development Authority,
Islamabad. | xii. Mr. Waseem Hayat Bajwa,
Chief Executive Officer
FGE Housing Authority. |

CC:

1. PS to Minister for Housing & Works, Islamabad.
2. S.P.S. to CEO, FGE Housing Authority, Islamabad.
3. All Directors, FGE Housing Authority, Islamabad
4. Office File.

FEDERAL GOVERNMENT EMPLOYEES HOUSING AUTHORITY
10-MAUVE AREA SECTOR G-10/4, ISLAMABAD

Subject MINUTES OF 5th MEETING OF THE EXECUTIVE BOARD OF THE FEDERAL GOVERNMENT EMPLOYEES HOUSING AUTHORITY HELD ON 21-10-2019.

The 5th meeting of Executive board of the Federal Government Employees Housing Authority was held on 21-10-2019 at 10:30 am under the Chairmanship of the Honorable Secretary, Ministry of Housing & Works in the Committee Room of FGE Housing Authority. (The List of participants is enclosed).

2. The proceedings of the meeting started with recitation of the Holy Quran.

3. The Chief Executive Officer, FGE Housing Authority welcomed the members of the Executive board. Following agenda items were discussed in detail by the board.

Agenda Item No. 1 CONFIRMATION OF THE MINUTES OF 4th MEETING OF THE EXECUTIVE BOARD OF FGE HOUSING AUTHORITY HELD ON 03-10-2019.

4. The Chief Executive Officer apprised that the 4th meeting of the Executive Board was held on 03-10-2019 and accordingly the Minutes were issued on 11-10-2019. Furthermore, on the minutes, none of the members have sent any observations to the FGEHA.

5. The Additional Secretary Cabinet, raised an observation that decisions are mentioned in the minutes without any detail of discussions thereof carried out before reaching to the said decision. Chairman endorsed the comments of Additional Secretary, Cabinet and directed that grounds on which decision were made shall also be recorded in the minutes. The Additional Secretary further observed that approvals were solicited for signing of JV agreements with the JV partners without giving the detail Terms of Reference of the JV agreement. The CEO explained that the salient features of all the JV agreements have always been reproduced in the working paper. The Chairman directed that complete draft of the JV agreement should be accompanied in future.

DECISION:-

6. ***With the above referred observations the Executive Board unanimously approved the minutes of 4th Executive Board meeting held on 03-10-2019.***

Agenda Item No. 2 ACQUISITION OF LAND– JV POLICY (LAND SHARING).

I. Sector F-14/15:-

7. The CEO briefed the board that Prime Minister of Pakistan accorded approval of Sector F-14/15 for launching of housing scheme for federal government employees on 1st May, 2015 with the direction to follow the “age wise seniority policy” for allotment of plot in sector F-14 and F-15.

8. The land of the said sector was acquired by the Housing Foundation under the Land Acquisition Act 1894 for allotment of plots to FGE employees and other specified groups. In consequence of the same, applications were invited, layout plans of the sector were approved from CDA and allotments were made on merit. The prospective allottees also deposited a hefty sum of money against their allotments in the Housing Authority which was given to Land Acquisition Collector to compensate the affectees / land owners of Sector F-14/F-15. The layout plan of sector F-14 has also been approved by the CDA and planning of F-15 is under process in the CDA.

9. The acquisition proceedings were challenged by locals in Islamabad High Court through a numbers of writ petitions titled Malik Bashir Ahmed Vs Federation of Pakistan etc. The honourable Islamabad High Court while accepting the said writ petition decided that in the presence of CDA Ordinance 1960 which is Special Law, the Land Acquisition Act 1894 is not applicable in Islamabad. An Intra Court Appeal was filed by the Housing Foundation in the Islamabad High Court which was also dismissed.

10. The Housing Foundation therefore was left with no other option but to file CPLAs in the Supreme Court of Pakistan on 6-12-2018. The honorable Supreme Court gave the order as under:

“Mian Saqib Nisar, CJ: - Leave is granted to consider, inter alia, whether:-

- a. Capital Development Authority (CDA) under the Capital Development Authority Ordinance, 1960 (the Ordinance) has exclusive jurisdiction to acquire land and it excludes acquisition under the Land Acquisition Act, 1894 (the Act);
- b. The Provisions of the Ordinance exclude those of the Act with respect to acquisition of land for a public purpose;
- c. Acquisition for a housing scheme for Federal Government Employees and allied group constitutes a valid public purpose;
- d. Acquisition under the Act becomes State largesse under Article 173 of Constitution of the Islamic Republic of Pakistan, 1973 read with Section 16 of the Act’ and
- e. In view of the alternate and efficacious remedy available under Section 18 of Act, the constitutional petitions before the learned High Court were not maintainable.