



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

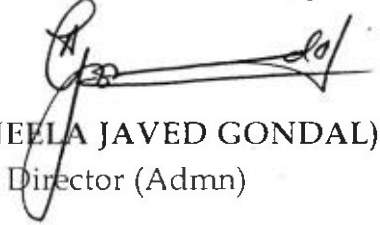
No.15 (7)/2019-FHA (A)/12

Dated: 21st April, 2021

Subject: MINUTES OF 12th EXECUTIVE BOARD MEETING OF THE
FEDERAL GOVERNMENT EMPLOYEES HOUSING
AUTHORITY HELD ON 15-04-2021

12th Meeting of the Executive Board of the FGE Housing Authority was held on Thursday, 15th April, 2021 at 1330 hours under the Chairmanship of Federal Minister for Housing & Works in the Committee Room of Federal Government Employees Housing Authority Building G-10/4, Islamabad.

2. The minutes of the said meeting are enclosed for information, please.


(DR. ANELA JAVED GONDAL)
Director (Admn)

Distribution:

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| i. Mr. Tariq Bashir Cheema,
Chairman EB/ Federal Minister,
Ministry of Housing & Works | ii. Dr. Imran Zeb Khan,
Secretary, M/o Housing & Works,
Islamabad. |
| iii. Mr. Zahoor Ahmad,
Additional Secretary,
M/o Housing & Works, Islamabad. | iv. Mr. Muhammad Israr,
Draftsman,
Law & Justice Division |
| v. Ch. Muhammad Anwar,
Sr. Chief (Tech/PP&H),
Planning Commission, Islamabad | vi. Mr. Rizwan Ahmed Sheikh
Senior Joint Secretary (Expenditures)
Finance Division, Islamabad. |
| vii. Mr. Amer Ali Ahmad,
Chief Commissioner,
ICT, Islamabad. | viii. Mr. Tariq Rashid,
Managing Director,
PHA Foundation, Islamabad. |
| ix. Mr. Akram-ul-Haq,
Director General,
Pak. PWD, Islamabad. | x. Mr. Amer Ali Ahmad,
Chairman, CDA
Islamabad. |
| xi. Mr. Tariq Rashid,
Secretary EB/ Director General,
FGE Housing Authority, Islamabad | xii. Col. (R) Imtiaz-ul-Haq Khattak,
Chief Engineer
FGE, Housing Authority, Islamabad |
| xiii. Mr. Amir Mohiyuddin,
(Co-opted member),
Joint Secretary (Estate),
M/o Housing and Works Islamabad | |



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

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Subject: MINUTES OF 12th MEETING OF EXECUTIVE BOARD OF THE
FEDERAL GOVERNMENT EMPLOYEES HOUSING
AUTHORITY HELD ON 15-04-2021

12th meeting of the Executive Board of the Federal Government Employees Housing Authority (FGEHA) was held on 15th April, 2021 at 1330 hours under the Chairmanship of Honourable Federal Minister for Housing & Works, in Committee Room, FGEHA HQs Islamabad. List of participants is enclosed.

2. Proceedings of the meeting commenced with recitation from the Holy Quran.
3. Director General, FGE Housing Authority welcomed the respected members of the Executive Board. The members of the Executive Board welcomed Mr. Tariq Rashid on posting as new Director General of FGEHA.

AGENDA ITEM NO. 01

Subject: CONFIRMATION OF THE DECISIONS OF EXECUTIVE BOARD
MEETING OF FGE HOUSING AUTHORITY HELD ON 05-03-
2021

4. The 11th Executive Board Meeting was held on 05-03-2021 and minutes were issued on 12-04-2021.
5. No observation had been received from any member of the Executive Board.

RECOMMENDATION:

6. The minutes of the 11th meeting were placed for confirmation.

DECISION:

7. The Board unanimously approved minutes of the 11th Executive Board meeting, circulated on 12-04-2021.

AGENDA ITEM NO.02

SUBJECT: CLOSURE OF AGREEMENT SIGNED BETWEEN FGEHA AND M/S ISHAQ & SONS FOR PROJECT "MULTAN HEIGHT LAHORE"

8. FGEHA signed a JV agreement with M/s Ishaq & Sons on 19-6-2020 after approval from E-B (ordinance) 3-10-2019 for provision of land measuring 115 Kanal in Mouza manga-o-tare Tehsil Raiwand District Lahore for construction of apartment project thereupon comprising of 1476 units of various categories.

9. The project was advertised for response from federal government employees starting dated 5-7-2020 and remained advertised in various phases till 31-3-2021. The project membership was also opened for provincial government employees and general public during this period. However, only 49 members booked the apartments.

10. The response of the project was not encouraging nor were sufficient funds collected to start the project. As per clause 27 of the signed agreement reproduced below,

"Notwithstanding anything contained to the contrary, this agreement shall come into force and become operative after sufficient booking of the scheme is received (i.e. minimum 50% number of apartments out of share of FGEHA/Party "A" have been booked after launching of the project, however, to be read with Clause 5.1(b))"

11. The operation of agreement was contingent upon booking of minimum 50% number of apartments out of share of FGEHA. Hence, agreement was not operational at the moment.

12. A committee was also formed for the purpose of deciding way forward on the subject project, which recommended placing the agenda before Executive Board for a conclusive decision.

RECOMMENDATION:

13. It was recommended that Executive Board may grant approval to close the project "Multan Heights Lahore" without any liability financial or legal, to FGEHA in line with the JV agreement, following which the agreement shall be declared null and void and existing members would be adjusted in Lifestyle Residency Lahore project or any other ongoing project where units were available.

DISCUSSION:

14. The meeting was informed about the project and it was conveyed that FGEHA needed at least 50 % response from the members to launch a project. However, till today, approximately 49 members had deposited down payment against the offer letter issued to over 300 interested members. It was proposed that registered members of the FGEHA Heights, Multan Road, Lahore may be given option to shift to other ongoing apartment projects where apartments were available. Further, the Chair directed that the Chief Engineer in future shall evaluate the JV proposals by supervising Director (JVP) and shall submit viable JV proposals to DG, FGEHA and Executive Board accordingly.

DECISION:

15. The Executive Board after detailed discussion and considering all facts related to the project "FGEHA Multan Road Heights Lahore", unanimously approved closing of the said project, as per recommendations, and directed to shift its members to any of the ongoing apartment projects of FGEHA.



AGENDA ITEM NO.03

Subject: IMPLEMENTATION OF WAFAQI MOHTASIB'S RECOMMENDATIONS REGARDING REFUND OF DOWN PAYMENT TO MEMBERS OF DRIVE-I WITH ACCRUED INTREST

16. FGEHA launched its membership Drive-I in 2009 on first come first serve basis. A total of 36000 members got registered in the Membership Drive. FGEHA issued allotments to only 3268 members in its housing schemes in Bhara Kahu, Green Enclave-I, Islamabad. To accommodate the remaining Members of Drive-I, Green Enclave-II, FGEHA decided to acquire Government land through Land Acquisition Collector (LAC). For this purpose, a notification under Section-4 was issued under Land Acquisition Act, 1894 for 6932 Kanals of land. The Executive Committee in its 139th meeting held on 04.05.2016 approved issuance of Consent letters to the members of Drive-I falling in Green Enclave-II to collect cost of land from the members. The Consent letters were issued as per following details:

Category	No. of Consent Letters issued	No. of Members who deposited down payment
I	1052	200
II	3968	1756
III	6766	3231
IV	6562	3403
V	11079	4954
Total	29427	13544

17. In 144th meeting of the Executive Committee held on 15.01.2017, the then Director General, FGEHA informed the committee that notification u/s 4 of LAA, 1894 was issued and the same was cancelled by the M/o Interior.

18. As per the decision of 139th Executive Committee meeting to adopt new methods for purchase of land, the FGEHA went into a Joint Venture agreement for purchase of 15000 to 20000 Kanals of land with M/s ICSE on

19.02.2018. The contractor, however failed to provide land in the stipulated time period. Hence, with the approval of Executive Board, the JV agreement was cancelled.

19. FGEHA signed a new JV agreement with M/s Commoners Sky Garden on 11.10.2019 for purchase of 10,000 Kanals of land. The contractor had mutated 6000 Kanals of land in favor of FGEHA. The planning of the area had been finalized and LOP was approved. The total number of available plots in Sky Garden scheme, which would be allotted to members of Drive-I were as under:

Size of Plot	Quota of plots of FGEHA (70%)	Quota of plots of CSG (30%)	Total
75x120	0	72	72
50x90	826	210	1036
40x80	733	314	1047
35x70	722	309	1031
30x60	625	269	894
25x50	783	335	1118
Total	3689	1509	5198

20. In the meanwhile, various complaints were launched by the members of Drive-I in Wafaqi Mohtasib regarding non-allotment of plot. Personal hearings were conducted by the advisors of Wafaqi Mohtasib who were informed that presently only 3689 plots were available for allotment in Sky Garden scheme, whereas, number of members who had deposited down payment was more than 14000, hence only one fourth of the members could be accommodated. Honorable Wafaqi Mohtasib vide its letter dated 10.12.2020 recommended as under:

- i. *Exorbitant increase in rates of plots be placed before the Executive Board of Agency to rationalize it reasonably and bring the cost within the range of employees capacity who opt to pay and that two Installments with the expected time frame of the project.*
- ii. *The Agency should specifically and invariably mentioned in the Consent letter that the allottee could not be accommodated in Green Enclave-II, Phase-VI,*

Islamabad due to non-availability of land, therefore he is being offered plot in new project mentioning the tentative price schedule and completion time of the project. If the employees are interested to get allotted plot in new project with new schedule of payments he should submit an affidavit in this regard. He may otherwise be given option to withdraw the deposited amount interest accrued thereon.

iii. Agency on its website should publicize for all its members to claim reimbursement of down payment with accrued interest, to whom it may not offer plot in Sky Garden Scheme, Green Enclave-II. A process be evolved under which the down payment of such employees is credited to their bank accounts.

RECOMMENDATION

21. Following recommendations were proposed,

- i. The cost of plot in Sky Garden Scheme had been mutually agreed with JV partner. The FGEHA may be allowed to re-negotiate and re-evaluate the cost for the benefit of members.
- ii. All those members, who had deposited down payments and their cases were not likely to mature in Sky Garden Scheme, be given an option to get their amount refunded from FGEHA without interest, as it was not the policy to give accrued interest to member on refund of amount.

OR

All such members may be refunded their down payment along with interest generated on their amounts.

DISCUSSION:

22. The meeting was informed that initially Section-4 was imposed under LAA, 1894 which was revoked subsequently by the M/o Interior and in the meanwhile only a few consent letters were issued. It was proposed to hire a lawyer to file the case for consideration to the President of Pakistan as FGEHA was not for profit organization. It was inquired as to why FGEHA was not given any share in the plots measuring 75 x 120 SFT? It was informed that as per policy,

➤ BPS-20 and above Government Servant is entitled only upto a plot of size 50 x 90 SFT. Further, the same was also agreed then by signing the JV agreement.

DECISION:

23. The Board unanimously decided to either allocate a plot with revised schedule for the members who had deposited down payments in the schemes launched under Phase-I or refund of the amount may be issued to the members subject to the fact that their membership would remain intact after availing the refund.

AGENDA ITEM NO.04

Subject: PAYMENT OF MARKET VALUE TO THE BONAFAIDE PURCHASERS OF CREATED PLOTS (MEASURING 40X80) IN SUB-SECTOR G-14/4 ON THE DIRECTIONS OF ISLAMABAD HIGH COURT.

24. 08 plots (measuring 40x80) were created by the CDA in playground of Sub-Sector G-14/4. These plots were allotted by the FGEHF (now Authority) to the applicants on merit. Some of these plots were subsequently transferred by the original allottees. Later on, the said creation was challenged in the Islamabad High Court vide writ petition No. 3962/2016 titled Mr. Muhammad Ejaz Ranjha Vs Ministry of Housing & Works etc. The honorable Islamabad High Court held FGEHA responsible and decided that owners of the plots will be compensated in accordance with the market value including the price of construction, if any. The honorable court had further directed that the Chairman (CDA) to initiate inquiry against the concerned officials of CDA, fix responsibility and take action regarding illegal approval and conversion of the layout plan in violation of CDA bylaws. FGEHA had filed intra-court appeal against the said judgment in the Islamabad High Court. Whereas, no restraining order in above I.C.A had been passed by the apex court till to date. Prima facia, the decision of the High Court dated 15-07-2019 was still infield.



25. Further a Criminal Original Petition No. 296/2020 in w.p. No. 3962/2016 titled Petition for initiating contempt proceedings under Section 3,4 of contempt of court act 2012 against Director General (FGEHA) etc. was filed by the Muhammad Mazhar Naseem in the Islamabad High Court, Islamabad.

26. One Mr. Sher Zaman, bonafide purchaser of Plot No. 1261-B, G-14/4, out of above 8 created plots filed an application wherein he demanded market value of the plot as per decision of Islamabad High Court. Accordingly, a committee of three members namely Mr. M. Afzal Javed (Dy. Director Finance), Mr. Azizullah Shah (Dy. Director Estate) and Mr. Israr Ahmed (Dy. Director Revenue) had been constituted by the Director (Finance) for assessment/evaluation of market value of the created plots.

27. In this regard, the services of M/s W.W. Engineering Service (Pvt) Ltd. had been hired under PPRA Rule by the committee. The committee had prepared an Assessment Report based on the assessed value of each plot and Forced Sale Value (FSV) of the asset separately. The details were given below:-

Sr. No.	Plot No. / Sector	Assessed Value	Forced Value
1.	1261-A, G-14/4	27,021,800/-	24,319,620/-
2.	1261-B, G-14/4	24,497,395/-	22,047,656/-
3.	1261-C, G-14/4	24,497,395/-	22,047,656/-
4.	1261-D, G-14/4	24,497,395/-	22,047,656/-
5.	1261-E, G-14/4	24,497,395/-	22,047,656/-
6.	1261-F, G-14/4	24,497,395/-	22,047,656/-
7.	1261-G, G-14/4	24,497,395/-	22,047,656/-
8.	1261-H, G-14/4	27,021,800/-	24,319,620/-
Total		201,027,970/-	180,925,176/-

RECOMMENDATION:

28. The case was placed before the Executive Board for consideration.

DISCUSSION:

29. It was apprised that the FGEHA had filed an Intra Court Appeal against the decision of single bench. An application for stay/suspension of

judgement was also filed by FGEHA but the same was not accepted, meaning thereby that the original decision was in field. The members inquired about the procedure of hiring of the valuator and methodology adopted for assessment/valuation of market price of the said plots. The meeting was informed that the valuator was engaged through the PPRA Rules and was also duly registered with the State Bank of Pakistan. The Secretary Housing & Works was of the opinion that it would be more appropriate to consider the rates notified by FBR which were more authentic and had been recently brought at par with the prevailing market prices.

DECISION:

30. The Board directed to implement the decision of the Islamabad High Court in letter and spirit. The assessment of Market value had already been done by FBR through its latest notified price for Sub-Sector G-14/4 which shall be taken as a yardstick for ascertaining the Market Value and the affectees of 08 plots be compensated accordingly as directed by the Islamabad High Court.

AGENDA ITEM NO.05

Subject: WAIVING OFF SURCHARGE AND RESTORATION OF FGEHA APARTMENT SCHEME AT GULZAR-E-HIJRI SCHEME-33 KARACHI.

31. In 10th Executive Board meeting, held on 20-02-2021 it was decided to complete the project through bridge financing and to expedite the matter for provision of requisite utility services. The Board further directed that the auction of commercial shops should be conducted after giving possession to the allottees in order to harvest maximum revenues and additional cost may be levied to the allottees thereon.

32. It was further added that question of additional cost was decided by Executive Board in the subject meeting. However, recommendation related to restoration of cancelled flats could not be discussed/ decided upon. FGEHA cancelled 68 number of flats out of 278 in year 2016, but now allottees were

approaching for restoration of the same. As per restoration practice, mostly cases were time barred which could not be decided as per restoration policy.

33. Keeping in view above decision, following recommendations regarding further processing of transfer of Estate files were placed before Executive Board for approval:

RECOMMENDATION:

34. The apartments out of 278 which were cancelled due to non-payment would be restored after payment of restoration charges from allottees.

DISCUSSION:

35. The meeting was briefed regarding the restoration policy and waiving of surcharge on all flats of FGEHA Apartment Scheme-33, Gulzar-e-Hijri, Karachi. The Chair directed to complete the project on priority basis as a number of allottees were affected due to the longstanding delay of completion. The Chair also directed to immediately post 02 officers at Karachi in addition to current working strength and to spell targets with timelines to the staff stationed at Karachi for timely completion. Further, it was also directed by the chair to entrust the possession of apartments within 03-month time.

DECISION:

36. The Board approved as under:
- i. Waiver of surcharge on all apartments.
 - ii. Condonation/ waiver of time period for restoration of allotment of apartment as per restoration policy.
 - iii. Posting of 02 Officers in Karachi in addition to current working strength.

AGENDA ITEM NO.06

Subject: RECRUITMENT OF FINANCIAL ADVISOR

37. After conversion of the Housing Foundation into an Authority, work in Federal Government Employees Housing Authority had expanded manifold. Many new projects were launched under the Prime Minister's program of Naya

—Pakistan. FGEHA had initiated 5 apartment projects and a few were in pipeline to be launched. In a number of projects the cash inflow from the allottees mismatched with the payments which became due in terms of Interim Payment Certificates (IPCs).

38. It was informed that provision of cash-flow was the most important element to complete the projects in time. Due to liquidity issues the Finance wing had to resort to bridge-financing in a number of cases. This practice could not be adopted for long as it would impinge upon completion timelines of other projects. It was therefore, considered view of the Finance wing that a Financial Expert/ Advisor be hired by the FGEHA. The Advisor would not only advise about launch of the new projects but would also guide about the financial viability of the projects. Hence, services of a Financial Advisor were needed in order to streamline the financial inflows for different projects. Proposed Job Description of Financial Advisor proposed were;

- i. To assess the financial feasibility of the new projects.
- ii. Financial plans and installments plans of projects to ensure timely and successful completion of projects.
- iii. Financial modeling of infrastructure projects
- iv. Investments and returns of FGEHA in accordance with the market trends and advice on future investment plans.
- v. Current and future cash flow requirements of FGEHA and how to meet them without exhausting resources.
- vi. Comply with latest legal and taxation requirements.
- vii. Guiding on taxation policy or monthly charges to be collected by FGEHA from its controlled areas to carry out the development and repair works.
- viii. Any other financial matter arising from time to time.

RECOMMENDATION:

39. Approval was sought to hire Financial Advisor for FGEHA on retainer ship basis for a period of 02 years having the following qualifications:

- i. Master's degree in finance, business administration, economics/development economics, CA, CFA or Actuarial Sciences.
- ii. Min 15 years of job experience in real estate development, housing projects, construction industry.
- iii. Knowledge of Finance, Economics, Market Trends, Taxation, Financial Feasibility of projects etc.
- iv. Age: Min. 45 years Max 55 years.

DISCUSSION:

40. It was inquired whether FGEHA had Financial Advisor for every project which it undertook. The meeting was informed that this was not the case. The feasibility of the projects was undertaken by the JV partners which included both the financial & technical aspects. This was examined in the Authority, however, due of lack of capacity, financial aspects could not be thoroughly examined and only response of the Federal Government Employees determined the viability of the project. It was felt that a Financial Advisor would fill this gap. It was stated that FGEHA should hire a Financial Consultancy firm for this purpose instead of a Financial Advisor

41. The Board also took note of the fact that financial assessments of the projects in JV projects of FGEHA was not on sound basis which resulted into complications at the implementation phase. However, it was felt that a single individual in the shape of Financial Advisor could not do the desired job.

DECISION:

42. It was decided by the Board that a financial consultancy firm/ Financial Advisor shall be hired for a period of one year by floating an RFP advertised in the National Dailies. Proper TORs should be prepared before launching the RFP advertisement. It was also decided that the consultancy firm/ Financial Advisor should be responsible for guiding FGEHA on launching a particular project and assisting the authority in managing cash flows for a project.

They would also prepare financial model for each of the existing as well as new projects being undertaken by the authority.

AGENDA ITEM NO.07

Subject: MINUTES OF HR COMMITTEE MEETING HELD ON 15-02-2021

43. The H.R Committee meeting was held on 15.02.2021 on following agenda's:

1. AGENDA ITEM No - 1 DELEGATION OF POWERS OF APPOINTING AUTHORITY FROM BS-17 TO BS-18 IN FGEHA
2. AGENDA ITEM No - 2: CHANGE IN INITIAL QUOTA FOR POST OF ACCOUNTANT (BS-16) AND APS (BS-16) IN FGEHA
3. AGENDA ITEM No - 3: ASSISTANT DIRECTOR FINANCE (BS-17) REQUIRED IN FINANCE WING ON REGULAR BASIS
4. AGENDA ITEM No - 4: POST RETIREMENT MONETARY BENEFIT SCHEME (PRMBS) - 2020
5. AGENDA ITEM No - 5: CREATION OF 01 POST OF ASSISTANT DIRECTOR E/M (BS-17) AND 01 POST OF ASSISTANT DIRECTOR CIVIL (BS-17) ON REGULAR BASIS.

44. All the agenda's were discussed in 10th EB meeting on the basis of recommendation of HR Committee. However, approval of following two agendas by Executive Board were not incorporated in minutes of 10th EB meeting. (Minutes of HR Committee meeting.

- (I) AGENDA ITEM No - 2: CHANGE IN INITIAL QUOTA FOR POST OF ACCOUNTANT (BS-16) AND APS (BS-16) IN FGEHA
- (II) AGENDA ITEM No - 5: CREATION OF 01 POST OF ASSISTANT DIRECTOR E/M (BS-17) AND 01 POST OF ASSISTANT DIRECTOR CIVIL (BS-17) ON REGULAR BASIS.

RECOMMENDATION:

45. Seeking approval of Minutes of HR Committee dated 15.02.2021.



DISCUSSION:

46. The meeting was informed about the matter. It was proposed that a post of Accounts Officer (BPS-17) was also required to actively look after all the financial matters of the ongoing project and the future projects.

DECISION:

47. The Board unanimously approved the minutes of the HR Committee of FGEHA dated 15-02-2021 along with creation of 01 post of Accounts Officer, (BPS-17).

ADDITIONAL AGENDA ITEM-I

Subject: WRIT PETITION AGAINST THE JOB ADVERTISEMENT DATED 05-02-2021

48. The Executive Board of FGEHA was appraised that FGEHA had advertised various vacant posts from BS-01 to BS-09 in National Dailies on 05-02-2021 which has been closed on 23rd and 30th March, 2021 for BS-01 to BS-07 and BS-09 to BS-16 respectively.

49. A Total of 76164 candidates applied against the above mentioned advertisement along with 84 contingent employees of FGEHA. Thereafter, out of 84 contingent employees of FGEHA, 48 contingent employees filed a writ petition No. 835/2021 titled Karim Ullah Khan etc. Vs Federation of Pakistan etc in the Islamabad High Court regarding their regularization against the advertised posts. The order passed by IHC on dated 03-03-2021 reproduced as under:-

In the meanwhile respondent No. 1 shall not hire any person against the posts of present petitioners. It is made clear that recruitment process initiated by respondent No. 1 shall continue.

50. The opinion of Director Law FGEHA in accordance with Islamabad High Court order was as under:-



“In view of above it is glaring that the Islamabad High court has not stopped that authority from initiating the recruitment process and same can be continued unhindered. As long as the post of petitioners are concerned, it is advised that Islamabad High Court has directed the FGEHA not to hire any person on their seats, therefore, the said orders is required to be implemented in letter and spirit unless an order to the contrary is obtained from the honorable IHC.”

51. It was further apprised in this regard a total of 84 contingent staff from BS-01 to BS-16 was hired in FGEHF (before the formulation of FGE Housing Authority) during 2012 to 2016 against different posts for 89 days and they further got extensions for another 89 days. It was appraised that neither these employees were hired against sanctioned posts nor through prescribed manner, rather they were appointed on purely temporary basis for a period of 89 days.

52. The Islamabad High Court had already passed its directions in Intra Court Appeal No. 340/2017 clause vii (page 66) reproduced as under:-

- i. *All employees who are working on different positions in the statutory organization / companies (controlled by the Federal Government) having their own Board of Directors or Board of Governor, has to decide the cases of their employees in accordance with their own service rules independently and regularize the services of those employees without seeking any further approval from the Government of Pakistan, however, such kind of exercise is permissible for one time and in future they shall not hire any person on temporary, daily wages or contract basis.*

53. Similarly the Decision of Supreme Court of Pakistan under CP No. 2792 of 2018 Muhammad Imran Khan v. Federation of Pakistan thr. Secretary to the Government of Pakistan M/o Information Technology and Telecom Division, Islamabad & others decision is as under:

“In view of the foregoing reasons, we do not find any merit in this petition. It is accordingly dismissed. Leave to appeal is refused”



54. Further, on the recommendations of Federal Cabinet in its meeting held on 12th April, 2017 the Establishment Division issued Office Memorandum No. F.53/1/2008-SP dated 11th May, 2017 subject "Amendment in the Recruitment Policy/Mechanism to ensure Merit Based Recruitment in the Ministries/ Divisions/ Sub-Ordinate Offices / Autonomous / Semi-Autonomous Bodies/ Corporations/Companies /Authorities" clause 1(e) sub para (iv) reproduced as under:

"The eligible employees shall be awarded extra marks in interview at the rate of one (01) mark for each year of service rendered upto a maximum of five (05) marks, on the recommendations of the respective selection authorities."

55. As per FGEHF (now Authority) Service Rules 2008 Clause 20 sub-clause 20.3

"Appointment to various posts in the Foundation shall be made by any of the following methods:-

- a) By initial appointment
- b) By Promotion
- c) By transfer from another/organization/group etc.

Further, as per Clause 21 sub clause 21.1

56. Subject to qualification and experience as in Schedule-II to these rules the merit or provincial / regional quotas shall be observed in making appointments to posts in the Foundation in accordance with the instructions issued by the Government from time to time. All vacant posts to be filled up by direct appointment shall be advertised in two or more newspapers having circulation throughout the country. The appointments in this regard shall be made by the competent authority on the recommendation of the designated departmental selection committee to be constituted for the purpose. The recommendations of the selection committee may be based on interviews with or without written tests on a date to be notified by the appointing authority to the applicants.



57. Similarly according to HR regulations 2020 of FGEHA clause 9 vacancies to be advertised. - the initial appointment to a post on regular or contract basis shall be made through open advertisement in the press.

58. A similar nature of case regarding regularization of daily wage employees was also presented in Board of Directors of PHA Foundation on the directions of IHC being the appropriate forum which was turned down and terminated the contingency services (89 days) of their daily wage employees.

RECOMMENDATION:

59. The recommendations of Executive Board was solicited being the appropriate forum regarding the decision of Islamabad High Court and further direction on the status of contingent employees either FGEHA extend the term of the contingent period for 89 days or terminate their contingency period.

60. Thereafter, FGEHA may conduct the test / interview in 2 phases details as under, in which the aforementioned contingency employees may also apply in the light of Establishment Division issued Office Memorandum No. F.53/1/2008-SP dated 11th May, 2017;

PHASE 1 - Test/ interview can be scheduled after the Ramzan 2021

S#	Name of post	No. of Posts	No. of Applicants
1	Horticulture Supervisor(BS-16)	01 Post (Merit)	335
2	Drone Camera Surveyor (BS-16)	01 Post (Merit)	99
3	Inspector Revenue (BS-16)	04 Posts (02 Punjab, 02 Merit)	7648
4	Building Inspector (BS- 16)	03 Posts (01 Merit, 02 Punjab)	2151
5	Stenotypist (BS-14)	16 Post (02 Merit), 09 Punjab (01 for Minority), 02 Sindh, 01 KPK, 01 Balochistan, 01 GB)	1580
6	Supervisor Maintenance (BS-14)	02 Posts (Merit)	1341
7	Computer / Electrical / Technician (BS-11)	04 Post (Merit) 03 Electrical Technicians 01 Computer Technicians	891
8	Junior Draftsman (BS- 11)	02 Posts (Merit)	234

9	Sr. Surveyor (BS-11)	01 Posts (Merit)	156
10	Security Supervisor (BS- 07)	08 Posts (2 Merit, 4 Punjab, 1 Sindh, 1 KP)	2097
11	Driver (BS-05)	03 Posts (03 Merit)	893
12	Plumber (BS-04)	01 Post (Merit)	63
13	Mason (BS-04)	01 Post (Merit)	24
14	Carpenter (BS-04)	01 Post (Merit)	54
15	Mali (BS-01)	03 Posts (Merit)	195

PHASE 2 - FGEHA may conduct the test along with petitioners (applied against below mentioned vacant positions) and provide the result to honorable Islamabad High Court through Law Wing of FGEHA. Rest of the process would be completed after the direction received from the IHC.

S#	Name of post	No. of Posts	No. of Applicants	No. of petitioners against the post
1	Assistant (BS-15)	08 Post (02 Punjab, 03 Merit, 01 Sind, 01 KPK, 01 Balochistan,)	8116	01
2	Sub-Engineer Civil & E/M (BS-14)	11 Posts (05 Punjab, 01 Merit 02 Sindh, 01 KPK, 01 Balochistan, 01 GB)	5170	06
3	Data Entry Operator (BS-14)	17 Posts (09 Posts for Punjab (01 for Women), (02 Merit, 02 Sindh, 01 KPK, 02 Balochistan, 01 GB)	3271	01
4	UDC (BS-11)	23 Posts (10 Punjab, 06 Merit, 02 Sindh, 02 Balochistan, 02 GB, 01 FATA)	13304	01
5	Surveyor (BS-09)	07 Posts (Merit)	817	03
6	LDC (BS-09)	53 Posts (26 Punjab (01 for women, 01 for Minorities), 05 Merit (1 for Disable), 10 Sindh, 06 KPK, 05 Balochistan, 01 GB)	14072	13
7	DMO (BS-05)	03 Posts (Merit)	183	01
8	Wireman / Electrician (BS-04)	03 Posts (Merit)	266	01
9	Tubewell Operator / Valveman (BS-04)	05 Posts (Merit)	210	08
10	Naib Qasid (BS-02)	39 Post (Merit)	9162	01
11	Helper (BS-02)	02 Posts (Merit)	225	08
12	Security Guard (BS-01)	58 Posts (Merit)	3048	02

DISCUSSION:

61. The meeting was informed about the matter that in past, services of employees were hired on contract/ contingency/ daily wages basis. At the time of their recruitment procedure laid down as per Service Rules of FGEHF was not adopted. Moreover, they were not covered under the HR Regulations, 2020 of FGEHA, Clause 9. It was apprised that the services of employees above Class-IV could not be hired on contingency/ daily wages basis as per rules. Further, the Chair directed to extend special favour to the employees with satisfactory performance as per rules i.e. giving them 05 marks in recruitment process as per Establishment Division's O. M. No. F.53/1/2008-SP dated 11th May, 2017.

DECISION:

62. The Board unanimously decided to terminate the services of all employees on contingency/ daily wages basis with immediate effect. They would appear in the recruitment process in response to advertisement regarding vacant situations dated February 5th, 2021.

ADDITIONAL AGENDA ITEM-II

Subject: PERMENANT CLOSURE OF PROJECT PROPOSAL OF MARGALLA CITY PVT LTD. FOR PROJECT "INDUS VISTA APARTMENTS" FMC ADJACENT TO B-17 ISLAMABAD

63. Margalla City (Pvt) Ltd. offered 03 No's developed plots against 3rd EOI dated 12.7.2019 for construction of apartments in Faisal Margalla City near B-17 Islamabad on end product/turnkey basis. The project was presented in 1st meeting of Executive Board dated 09-08-2019. The MOU was signed with the Firm and the project was advertised for generating response in the month of December, 2019.

64. Consequent upon receiving sufficient response (i-e 771 No's) from registered members of FGEHA, the services of M/s NESPAK was hired as design



vetting consultant in January 2020 for detail supervision and vetting of designs, drawings BOQ's etc.

65. The progress regarding the subject project was updated to the august forum in its 1st meeting dated 07-02-2020. Afterwards, a Letter of Intent was issued to Margalla City (Pvt) Ltd. dated 20-5-2020, which was accepted by the Firm. The Executive Board in its 5th Meeting dated 10-6-2020 accorded in principle approval to enter into composite JV agreement and directed to re-submit the proposal through newly constituted committees for re-evaluation.

66. The process of vetting of designs, BOQ's etc. was completed and the abstract of cost along with other details were evaluated through T&E committee, Steering committee and subsequently presented in E-B in its 6th Meeting dated 12-8-2020, wherein, E-B granted approval to enter into JV and Construction agreement with Margalla City (Pvt.) Ltd.

67. Thereupon, the Firm (i.e. Margalla City Pvt. Ltd.) was invited to sign the JV agreement. In this regard, various meetings were held and several notices were also issued but the Firm did not respond or showed its willingness to sign the agreement. The final notice in this context was issued on 15-1-2021 to sign JV agreement within 5 working days. However, no response was received till date despite a lapse of 8 months since approval of Executive Board.

RECOMMENDATION:

68. The Executive Board was requested to give approval to close the "Indus vista apartments" project due to non-responsiveness of M/s Margalla City (Pvt) Ltd. to save further time and resources of FGEHA and also allow shifting of members to other ongoing projects.

DISCUSSION:

69. The meeting was briefed about the project. It was informed that the prospective JV partner was showing non-responsive behavior towards signing of the Agreements. However, the Executive Board had accorded approval to sign the agreement in its 6th meeting. It was further, informed that a number of requests

both written and verbal have been made to M/s Margalla City authorities to sign the Agreements, however, they had not shown any interest, rather they remained non-responsive in this regard. It was therefore proposed to the EB to formally close the Project and shift its members to other ongoing projects, accordingly. During, discussion, the Board also directed FGEHA to float a fresh Expression of Interest (EOI) in Newspapers to invite potential interested JV partners to offer land at close proximity to Islamabad and other Provincial Capitals/ major cities of Pakistan.

DECISION:

70. The Executive Board granted approval to close the "Indus Vista Apartment" due to non-responsiveness of M/s Margalla City (Pvt.) Ltd. to sign agreement and also allowed FGEHA for shifting of members to other ongoing projects. Moreover, the Board directed JV Wing to launch a fresh advertisement for EOI to invite well reputed, potential and suitable private parties for offer of land in or around Islamabad and other major cities of Pakistan.

ADDITIONAL AGENDA ITEM-III

Subject: MINUTES OF MEETING OF MERGER/ ACQUISITION OF NATIONAL CONSTRUCTION LIMITED

71. The Executive Board in its 10th meeting while discussing the merger/ acquisition of National Construction Limited had given the following decision:

72. The Executive Board deferred the agenda for the next Board meeting. However, approval regarding constitution of the following committee was granted with the directions that the Committee shall furnish its recommendations in the next Board meeting:

- | | |
|--|----------|
| i. Additional Secretary, M/o Housing & Works | Chairman |
| ii. Director (Finance), FGEHA | Member |
| iii. Director (Finance), FGEHA | Member |
| iv. Director (Planning), FGEHA | Member |
| v. Director (Admin.), FGEHA | Member |
| vi. Representative from NCL | Member |



73. Forgoing in view, the committee had given its recommendations vide its meeting held on 18-02-2021, copy of minutes/ recommendations were enclosed herewith.

RECOMMENDATIONS:

74. Seeking approval of Executive Board as per recommendations of the aforementioned committee.

DISCUSSION:

75. The meeting was apprised about the minutes of the sub-committee meeting constituted in 10th Executive Board Meeting held on 18-02-2021. The report was discussed and it was felt that the issue may be looked into in a more comprehensive manner by a committee comprising of members form Ministry of Finance, Ministry of Law, Justice & Human Rights, Ministry of Housing & Works and concerned officials of the FGEHA.

DECISION:

76. The Board decided to constitute a committee to check the Financial, Legal, HR, valuation of assets & liabilities of M/s NCL and submit their report within 03 weeks for further decision in the instant matter.

i. Financial Advisor Housing and Works	Chairman
ii. Sr. Draftsman, M/o Law, Justice & Human Rights	Member
iii. Director General, FGEHA	Member
iv. Joint Secretary (Admn), M/o Housing and Works	Member
v. Director (Admn), FGEHA	Member/Secretary
vi. Director (Estate), FGEHA	Member
vii. Director (Finance), FGEHA	Member
viii. Director (Law), FGEHA	Member

The meeting ended with a vote of thanks to and from the chair.



**LIST OF PARTICIPANTS OF
12th EXECUTIVE BOARD MEETING OF FGEHA.
HELD ON 15-04-2021.**

Sr. No.	Names & Designation
1.	MR. TARIQ BASHIR CHEEMA Chairman EB/ Federal Minister Ministry of Housing & Works.
2.	DR. IMRAN ZEB KHAN Secretary, M/o Housing & Works, Islamabad.
3.	MR. ZAHOOR AHMAD Additional Secretary M/o Housing & Works Islamabad.
4.	MR. MUHAMMAD ISRAR Draftsman Law & Justice Division, Islamabad
5.	CH. MUHAMMAD ANWAR Senior Chief Technical (PP&H) Planning Commission, Islamabad
6.	MR. RIZWAN AHMED SHEIKH Senior Joint Secretary, (Expenditure) Finance Division, Islamabad
7.	MR. BABAR Chief Commissioner, ICT Islamabad.
8.	MR. TARIQ RASHEED Managing Director, PHA Foundation Islamabad.
9.	MR. AKRAM-UL-HAQ Director General PAK.PWD, Islamabad.
10.	MR. AMIR MOHIYUDDIN Joint Secretary(Estate) M/o Housing & Works, Islamabad Co-opted Member.
11.	MR. TARIQ RASHEED Director General FGE Housing Authority.
12.	COL.(R) IMTIAZ-UL-HAQ KHATTAK CHIEF ENGINEER FGE HOUSING AUTHORITY