



# PHA FOUNDATION

MINISTRY OF HOUSING & WORKS

SHAHEED-E- MILLAT, SECRETARIAT, BLUE AREA, ISLAMABAD



No. PHA-F/33<sup>rd</sup> BoD Meeting/2019/ 72

Dated: April 16, 2019

**Subject: MINUTES OF 33<sup>RD</sup> BOD MEETING OF PHA FOUNDATION HELD ON APRIL 09, 2019 IN CONFERENCE ROOM OF PHA FOUNDATION, ISLAMABAD.**

I am directed to enclose copy of approved Minutes of 33<sup>rd</sup> Meeting of the BoD of PHA Foundation which was held under the chairmanship of the Federal Minister for Housing & Works / Chairman, PHA Foundation on April 09, 2019 at 04:00 PM in the Conference Room of PHA Foundation, Islamabad.

**Encl: As above**

**(Muhammad Irfan Khan)**  
Director (M&C)

**Distribution:**

1. Ch. Tariq Bashir Cheema,  
Federal Minister for Housing & Works/  
Chairman, PHA Foundation,  
Islamabad.
2. Dr. Imran Zeb Khan,  
Secretary Housing & Works,  
M/o Housing & Works,  
Islamabad.
3. Mr. Muhammad Yaseen Shar Baloch,  
Joint Secretary (Admin),  
M/o Housing & Works,  
Islamabad.
4. Mr. Jawaid Akhter,  
Joint Engineering Advisor,  
M/o Housing & Works,  
Islamabad.
5. Mr. Zahoor Ahmad,  
Financial Advisor (Works)/  
Joint Secretary, Finance Division,  
Islamabad.
6. Hafiz Dr. Ahmad Bakhsh,  
Member Engineering,  
CDA, Islamabad.
7. Mr. Muhammad Adnan Rashid,  
Deputy Secretary (Admin),  
M/o Housing & Works,  
Islamabad.
8. Mr. Waseem Hayat Bajwa,  
Director General,  
FGEHF, Islamabad.
9. Mr. Tariq Rashid,  
Chief Executive Officer,  
PHA Foundation, Islamabad.
10. Mr. Shahid Farzand,  
Director General,  
Pak. PWD, Islamabad.

**Copy for information to:**

- i. PS to Chief Executive Officer, PHA Foundation, Islamabad.
- ii. PA to Chief Engineer, PHA Foundation, Islamabad.
- iii. PA to All Directors, PHA Foundation, Islamabad.
- iv. Section file.

## MINUTES OF 33<sup>RD</sup> BOD MEETING OF PHA FOUNDATION

| AGENDA ITEM NO. | SUBJECT   |
|-----------------|---|
| 01              | Confirmation of Minutes of 32 <sup>nd</sup> BoD Meeting of PHA Foundation   |
| 02              | Arrangement of funds on short term basis for PHAF Officers Residencia (Kurri Road Project) for clearing pending and anticipated claims of Contractors and Consultants |
| 03              | Waiver of Delayed Payment Charges (DPC) in PHAF Officers Residencia Project Islamabad   |
| 04              | Imposition of Additional Cost on allottees of PHAF Officers Residencia Project Islamabad  |
| Table Agenda 1  | Current Status of G-10/2 Project of PHA-Foundation.   |
| Table Agenda 2  | Writ Petition No. 559/2017 filed by Mr. Muhammad Ishaq and others before Islamabad High Court, Islamabad regarding regularization of their services in PHA Foundation |

33<sup>rd</sup> Meeting of the Board of Directors of PHA Foundation was held under the Chairmanship of Honourable Federal Minister for Housing & Works/ Chairman, PHA Foundation on April 9, 2019 at 04:00 PM in the Conference Room of PHA Foundation, Islamabad.

2. The meeting started with recitation from the Holy Quran.

#### AGENDA ITEM NO. 01

#### CONFIRMATION OF MINUTES OF 32<sup>ND</sup> BOD MEETING.

Managing Director/ Chief Executive Officer, PHA Foundation informed the forum that the minutes of the 32 BoD were circulated among all members of Board of Directors. Only Hafiz Dr. Ahmed Bakhsh, Member Engineering, CDA forwarded his minor observations, which were noted. Regarding provision of land by FGEHF at F-14, F-15 and Park road, Director General, FGEHF pointed out that since the sector F-14 & F-15 are under litigation, therefore, the land would be provided subject to clearance of litigation. Land could also be offered at the other sites at Islamabad, which would be visited by the team of PHAF. If the sites are declared as feasible, then they can be offered to PHAF as provision of land at F-14, F-15 and Park Road, PHAF will have to wait for the decision of Supreme Court of Pakistan on F-14, F-15 and Park Road.

#### Decision:

**Minutes of the 32<sup>nd</sup> BoD were confirmed. FGEHF will also offer land at new sites to PHAF which will be visited by team of PHAF. If the sites are declared feasible by the team of PHAF, then they will be handed over to PHAF subject to completion of all codal formalities. For provision of land at F-14, F-15 and Park road at Islamabad, PHAF will have to wait for clearance of litigation on the sectors F-14, F-15 and Park road.**

#### AGENDA ITEM NO. 02

#### ARRANGEMENT OF FUNDS ON SHORT TERM BASIS FOR PHAF OFFICERS RESIDENCIA (KURRI ROAD PROJECT) FOR CLEARING PENDING AND ANTICIPATED CLAIMS OF CONTRACTORS AND CONSULTANTS.

CEO PHA-F informed BoD that efforts are underway to complete the project well in time. Work on all packages of the project is progressing well except package-10. To complete the Package-10 well in time, the contractor is being pursued to complete his assigned work within due time. Since he is lagging behind, therefore, two options are underway to get the work done in time including assigning his work to a reputable contractor of the project or cancellation of his contract and its re-tendering. BoD in its next meeting will be informed of the progress on the package No.10 and action taken for the amelioration of the issue.

2. Moreover, the BoD was apprised that Engineering Wing of PHAF requested for arrangement of funds for Kurri Road Project on short term loan basis from any other project where available funds were more than its approved budget. They had intimated

that in case of non-payment, progress of the project would badly suffer as the said project was in the final stage of completion.

3. In order to consider the request of Engineering Wing, a meeting of Finance & Accounts Committee of PHAF was convened on 30<sup>th</sup> January 2019 in line with the mechanism devised and approved in the 25<sup>th</sup> BoD meeting of PHA Foundation.

4. After detailed deliberations, the committee recommended that the request of Engineering Wing for arrangement of funds through transfer of an amount of Rs. 240 million from I-12 project bank account (Standard Chartered Bank A/C # 08479000603) to Kurri Road Project bank account (Standard Chartered Bank A/C # 08479000601) on short term loan basis, subject to recoupment within three months in line with the 25<sup>th</sup> BoD decision may be arranged & placed before upcoming BoD for their consideration along with following suggestions:-

- i. Balance amount of short term loan already given to I-16 project i.e. Rs. 50 Million would be recouped to I-12 project immediately before transfer of proposed funds to Kurri Road Project.
- ii. Estate Wing must ensure to recover outstanding dues i.e. Rs.247 Million immediately from KRP allottees, before handing over possession of units as per policy.
- iii. Engineering Wing would ensure that the projects are executed and completed expeditiously well in time.

5. Currently, as reported by the Engineering Wing, contractor's IPCs and consultant's invoices are pending for payment. In case of non-payment, the progress of the project will suffer as the project is in final stage of completion.

6. The matter was placed before the BoD for consideration.

#### **DECISION:**

**BoD unanimously agreed with the recommendations of Finance and Accounts Committee for arrangements of Rs. 240 Million (two hundred and forty million) from I-12 account to Kurri Road Project account on short term loan basis subject to recoupment within three months from the date of transfer of subject funds.**

#### **AGENDA ITEM NO. 03**

#### **WAIVER OF DELAYED PAYMENT CHARGES (DPC) IN PHAF OFFICERS RESIDENCIA PROJECT ISLAMABAD.**

In pursuance to the decision of the BoD given in its 31<sup>st</sup> meeting, a Joint Committee of allottees of POR Project, representatives of PHAF and M/o Housing & Works was constituted in November 28, 2018. The Committee held several meetings and discussed the issue of waiver or reduction of Delayed Payment Charges (DPC) in PHAF Officers Residencia Project in detail.

2. In 32<sup>nd</sup> BoD meeting, during discussion of said agenda the Chairman BoD directed that DPC may be calculated @1% as well to ascertain its implications on allottees and PHAF. In this background a detailed working was prepared keeping in view both old and new payment schedules and following options were processed by assuming that all the outstanding payments have been received on 28-02-2019:-



- i. Option-A: DPC @2% in New Payment Schedule
- ii. Option-B: DPC @1% in Old Payment Schedule
- iii. Option-C: DPC @1% in New Payment Schedule

**DETAIL OF OPTIONS:**

**OPTION-A: "DPC @2% in New Payment Schedule"**

| Sr. No.      | Category | DPC Old Schedule2% (In Million) As per Payment Schedule (2012-2017) | DPC New Schedule2% (In Million) As per Payment Schedule (2016-2018/19) | Compensation to the Allottees (In Million) |
|--------------|----------|---|--|--|
| 1            | I        | 132.3   | 27.06  | 105.24                                     |
| 2            | II       | 219.3   | 29.02  | 190.28                                     |
| 3            | III      | 209.39  | 34.43  | 174.96                                     |
| <b>Total</b> |          | <b>560.99</b>   | <b>90.51</b>   | <b>470.48</b>                              |

- Since Rs. 88.73 Million already been received from the allottees, therefore, it would be either returned to the allottees or adjusted as per decision.

| Sr. No. | Net Income of PHAF (In Million) | Returnable/Adjustable (In Million) | Further income of PHAF after adjusting 88.73 Million |
|---------|---------------------------------|------------------------------------|--|
| 1       | 90.51                           | 88.73                              | 1.78   |

- Waiver of DPC = 470.48 million
- Total Waiver of DPC so far = 1041.73 + 470.48 = 1512.21 Million

**OPTION-B: "DPC @1% in Old Payment Schedule"**

| Sr. No.      | Category | DPC Old Schedule2% (In Million) As per Payment Schedule (2012-2017) | DPC Old Schedule1% (In Million) As per Payment Schedule (2012-2017) | Compensation to the Allottees (In Million) |
|--------------|----------|---|---|--|
| 1            | I        | 132.3   | 66.15   | 66.15                                      |
| 2            | II       | 219.3   | 109.65  | 109.65                                     |
| 3            | III      | 209.39  | 104.70  | 104.70                                     |
| <b>Total</b> |          | <b>560.99</b>   | <b>280.50</b>   | <b>280.50</b>                              |

| Sr. No. | Net Income of PHAF (In Million) | Returnable/Adjustable (In Million) | Further income of PHAF after adjusting 88.73 mn |
|---------|---------------------------------|------------------------------------|---|
| 1       | 280.50                          | 88.73                              | 191.77  |

- Waiver of DPC = 280.50
- Total Waiver of DPC so far = 1041.73 + 280.50 = 1322.23 Million

**OPTION-C: “DPC @1% in New Payment Schedule”**

| Sr. No.      | Category | DPC Old Schedule2%<br>(In Million) As per<br>Payment Schedule<br>(2012-2017) | DPC New Schedule1%<br>(In Million) As per<br>Payment Schedule<br>(2016-2018/19) | Compensation<br>to the Allottees<br>(In Million) |
|--------------|----------|--|---|--|
| 1            | I        | 132.3  | 13.53   | 118.77   |
| 2            | II       | 219.3  | 14.51   | 204.79   |
| 3            | III      | 209.39   | 17.22   | 192.17   |
| <b>Total</b> |          | <b>560.99</b>  | <b>45.26</b>  | <b>515.73</b>                                    |

| Sr. No. | Net Income of PHAF<br>(In Million) | Returnable/Adjustable<br>(In Million) | Further income of PHAF<br>after adjusting 88.73 mn |
|---------|------------------------------------|---------------------------------------|--|
| 1       | 45.26                              | 88.73                                 | (43.47)  |

- Waiver of DPC = 515.73
- Total Waiver of DPC so far = 1041.73 + 515.73 = 1557.46 Million

**COMPARISON OF THE THREE OPTIONS:**

| Option                                | Net Income<br>of PHAF<br>(In Million) | Compensation<br>to the Allottees<br>(In Million) | Further income of<br>PHAF after adjusting<br>88.73 million |
|---------------------------------------|---------------------------------------|--|--|
| A) DPC @2% in New<br>Payment Schedule | 90.51                                 | 470.48   | 1.78   |
| B) DPC @1% in Old<br>Payment Schedule | 280.50                                | 280.50   | 191.77   |
| C) DPC @1% in New<br>Payment Schedule | 45.26                                 | 515.73   | (43.47)  |

3. The BoD was requested to approve any one of the above three options.

**DECISION:**

After thorough discussion, it was decided that the DPC @ 2% from the date of commencement of actual work on project shall be charged.

**AGENDA ITEM NO. 04**

**IMPOSITION OF ADDITIONAL COST ON ALLOTTEES OF PHAF OFFICERS RESIDENCIA PROJECT, ISLAMABAD.**

In pursuance to the decision of the BoD given in its 31<sup>st</sup> meeting a Joint Committee of allottees of POR Project, representatives of PHAF and M/o Housing & Works was constituted in November 28, 2018. The Committee held several meetings and discussed the issue of imposition of additional cost on allottees of PHAF Officers Residencia Project in detail.

2. The project was initiated in 2012 with an estimated cost of Rs. 5.64 billion. Presently, the cost of the project is Rs. 6.6 billion with an increase of Rs. 963 million. The additional cost of Rs. 963 million is incurred because of following three factors:

| Sr. No. | Factors                  | Additional Cost (Million) |
|---------|--------------------------|---------------------------|
| 1       | Increase in Covered Area | 150                       |
| 2       | Increase in Utilities    | 300                       |
| 3       | Increase in Land Charges | 83                        |
| 4       | Balance Additional Cost  | 430                       |
|         | <b>Total</b>             | <b>963</b>                |

3. Effect of each of the three factors on Cat-I, II & III houses is given below:

| Sr. No. | Category      | Original Per House/ Unit Price | Additional Cost due to Increase in Covered Area (Excluding already paid amount of Rs.70,000/- by Cat-I allottees) | Additional Cost Per House/Unit | Additional Cost Per House/Unit | Total Additional Cost |
|---------|---------------|--------------------------------|---|--------------------------------|--------------------------------|-----------------------|
| 1       | (50x90) - I   | 10,294,692                     | 641,450   | 1,013,270                      | 1,137,614                      | 2,792,334             |
| 2       | (40x80) - II  | 8,262,848                      | 297,947   | 772,506                        | 867,304                        | 1,937,757             |
| 3       | (30x60) - III | 4,720,972                      | 45,264  | 433,247                        | 486,413                        | 964,924               |

4. The BoD was apprised that the additional cost could be offset partially or wholly by adopting following measures:

- I. Additional cost could be partially offset by excluding community center having cost of Rs. 150 million and construction of only one Jamia Masjid. Resultantly effect on Cat-I, II & III houses would be as follows:

| Sr. No. | Category      | Original Per House/ Unit Price | Additional Cost due to Increase in Covered Area (Excluding already paid amount of Rs.70,000/- by Cat-I allottees) | Additional Cost Per House /Unit | Additional Cost Per House /Unit | Total Additional Cost |
|---------|---------------|--------------------------------|---|---------------------------------|---------------------------------|-----------------------|
| 1       | (50x90) - I   | 10,294,692                     | 641,450   | 1,013,270                       | 714,316                         | <b>2,395,492</b>      |
| 2       | (40x80) - II  | 8,262,848                      | 297,947   | 772,506                         | 544,586                         | <b>1,615,039</b>      |
| 3       | (30x60) - III | 4,720,972                      | 45,264  | 433,247                         | 305,422                         | <b>783,933</b>        |

- II. Furthermore, almost all the additional cost could be offset by constructing proposed High-Rise Apartments. There was a halt in carrying out the project because of the direction of Sub-Committee of PAC issued to PHAF and CDA dully endorsed by Wafaqi Mohtasib for adhering to the original layout plan.

5. It was requested that BoD may approve the following proposals:-

- i. The allottees may pay additional cost in two installments; the first installment immediately after the decision with a grace period of ten days and the second installment after three months of first installment. No DPC shall be charged on additional cost.
- ii. The Possession Certificate of the Grey House may be issued upon clearance of all outstanding dues including additional cost, Delayed Payment Charges and possession charges.

6. A few honourable allottees who were requested to participate in proceedings of BoD and give their valuable input over the issues under discussion. They opted that the construction of community center and Jamia Masjid may not be carried out. They would construct the Jamia Masjid with the help of philanthropists, therefore, the cost of Jamia Masjid and community center may be excluded from project cost. Moreover, they were of the opinion that the facility of revision of schedule of payment as per date of actual commencement of work should be extended only to the allottees who have not sold their housing units and the DPC collected from them should be added to the project account. PHAF was of the opinion that any facility that is extended to the allottees cannot be selective in nature. Revision of payment schedule would be applicable on all allottees of the project equally without discrimination.

### DECISION

After detailed deliberation, the following decisions were made:-



- 1) PHAF shall charge actual admin cost from the starting date till the completion of the project.
- 2) Income that's interest earned and Delayed Payment Charges (DPC) on the installments of allottees as per revised payment schedule from the date of commencement of actual work on the project would go to the project account. Since there was division of opinion on the fate of DPC, therefore, the DPC collected from the allottees who have sold their housing units shall be blocked and shall not be added to the project account unless decided by BoD.
- 3) The additional cost of the project shall be calculated based on the above two principles. In the light of demands of the allottees, the construction of community center and Jamia Masjid shall not be carried out, therefore, their cost shall be excluded. The Jamia Masjid would be constructed by the allottees at their own.
- 4) The allottees shall pay the additional cost in four equal monthly installments. Upon payment of 1<sup>st</sup> installment, they will be allowed to carry out their work for which a commencement of work permission will be issued to them subject to an undertaking for clearance of their remaining amount within due time. Copy of undertaking is enclosed.
- 5) Formal possession certificate will be issued upon clearance of all outstanding dues including additional cost and DPC.

**TABLE AGENDA NO. 01**

**CURRENT STATUS OF G-10/2 PROJECT OF PHA-FOUNDATION.**

On the directions of Chairman BOD, an updated progress position of G-10/2 project was placed before BOD of PHA-F.

**1. INTRODUCTION:**

The project was launched in 2008-09 at sector G-10/2, Islamabad for Federal Government Employees and General Public on the land measuring 6.9 acres allotted by CDA as per following details:

| S. No. | Allotted to                 | Type | Total No of Apartments | Covered Area (sqft) | Average Price |
|--------|-----------------------------|------|------------------------|---------------------|---------------|
| 01     | FG Employees (BPS 11 to 16) | D    | 268                    | 900                 | 1,825,000/-   |
| 02     | General Public              | D    | 100                    | 900                 | 3,425,000/-   |

**2. COST ESCALATION:**

The project cost was revised from Rs. 635 million to Rs. 881 million. The additional cost of Rs. 246 million was imposed upon the allottees with the approval of the BoD in its 9<sup>th</sup> meeting held on 22 August 2013.



### 3. STEPS TAKEN FOR COMPLETION OF THE PROJECT:

- Bridge financing of Rs. 110 million from I-11, G-11/3-C, Wafaqi Colony D, E & B type projects to overcome the financial deficit.
- Constitution of task force for follow up of the pending issues with CDA for early completion of the project.
- Vigorous pursuance of court cases in different courts.
- Termination & re-tendering of contract.
- Constitution of progress review committee on the directions of Wafaqi Mohtasib to resolve the utilities issues with IESCO, SNGPL etc.
- Installation of tube well for augmentation of existing source of water.

### 4. HANDING OVER OF POSSESSION OF APARTMENTS:

Upon substantial completion of building & infrastructure work at the site, PHA Foundation offered possession of apartments to their allottees in August 2018. Progress of possession till date is as under:-

| Total Apartments | Offered for Possession | Handed Over | Remaining |
|------------------|------------------------|-------------|-----------|
| 368              | 368                    | 200         | 168       |

### 5. PROVISION OF UTILITIES

#### a. Electricity:

Demand notes of Rs. 36.129 million and Rs.0.087 million for electrification of the project has been paid to IESCO in November 2011. After through pursuance by PHA-F, work on provision of electricity and installation alongwith HT/LT cables of all transformers have been completed. The project is also energized.

#### b. Gas:

Demand note for provision of gas amounting to Rs. 3.56 million has been paid to SNGPL. SNGPL started work for provision of gas at site in June 2018 which is also completed.

#### c. Water Supply:

Water Supply connections have already been installed by CDA. Furthermore, installation of tube well for augmentation of existing source of water is in process.

### DECISION:

The Chairman of BoD showed satisfaction over progress on the project. He desired that he would also visit the project to see the progress.

**WRIT PETITION NO. 559/2017 FILED BY MR. MUHAMMAD ISHAQ AND OTHERS BEFORE ISLAMABAD HIGH COURT, ISLAMABAD REGARDING REGULARIZATION OF THEIR SERVICES IN PHA FOUNDATION.**

It was apprised that following officials were working on Contingent Paid basis/Contract basis in PHA and their services were terminated on 16-10-2006:-

| Sr. No. | Name                                    | Designation      | Duration                 |
|---------|---|------------------|--------------------------|
| 1.      | Mr. Muhammad Ishaq S/o Manzoor Ahmad    | LDC(CPS)         | 25-07-2000 to 16-10-2006 |
| 2.      | Mr. Wahab Ali S/o Nasir Ali             | LDC              | 2000 to 16-10-2006       |
| 3.      | Mr. Asif Khan S/o Hameed Khan           | Naib Qasid (CPS) | 08-01-2001 to 16-10-2006 |
| 4.      | Syed Tasadaq Hussain S/o Ghulam Hussain | Driver (CPS)     | 16-10-2000 to 16-10-2006 |
| 5.      | Mr. Abdul Farooq S/o Allah Dita         | Naib Qasid (CPS) | 10-02-2001 to 16-10-2006 |
| 6.      | Mr. Yasir Mehmood S/o Matloob           | Naib Qasid (CPS) | 13-09-2001 to 16-10-2006 |
| 7.      | Mr. Asif Riaz S/o Muhammad Riaz         | Naib Qasid (CPS) | 16-03-2006 to 16-10-2006 |

2. The above mentioned Contingent basis employees were appointed during the year 2000 in Pakistan Housing Authority (PHA), and served for almost five years in PHA on CPS/Contract. The above said ex-employees filed a writ petition before National Industrial Relations Commission, Islamabad (NIRC) regarding regularization of their services in PHA Foundation and obtained stay orders from NIRC. Stay order was vacated by NIRC on 16-10-2006 on the same date. On the same date the services of above mentioned employees were terminated. Further, the petitioners filed an appeal before full bench of the NIRC which was also dismissed by the full bench. Thereafter, the petitioners filed a writ petition No.559/2017 before Islamabad High Court Islamabad whereby the Honorable court passed the following orders:-

**“Instant writ petition is allowed, both the orders dated 16-10-2006 and 19-12-2016, passed by learned single bench, NIRC and learned full bench, NIRC are hereby set aside. The present petition as well as claim of petitioners is to be treated as representation and same is forwarded to the Chairman, PHA, who shall decide the fate of petitioners within a period of thirty (30) days with no excuse as it is PHA’s own case that petitioners are their employees being civil servant, therefore, PHA is left with no other option but to consider the case of these petitioners on the strength of judgment passed in ICA No.263/2011 dated 13-02-2012, whereby the other similarly placed employees have been regularized”.**

3. In this regard, as per orders of the Hon’ able Islamabad High Court, Islamabad and directions of worthy Secretary (H&W), the case of the petitioners was placed before the Board of Directors of PHA Foundation in its 31<sup>st</sup> meeting held on 13-11-2018. Decision of the BoD is as under:-

**The BoD directed to management of the PHAF to examine the matter of seven (7) ex-employees of PHA on case to case basis in the light of orders passed by Honorable Islamabad High Court, Islamabad in Writ Petition No. 559/2017**

**and forward their recommendations to concerned Section of the Ministry of Housing & Works in the shape of Self-contained note alongwith complete background / details for further scrutiny and appropriate decision by the Chairman BoD/Minister for Housing & Works.**

4. In compliance of the BoD decision, the matter was critically examined by the management of PHA-F and forwarded a self-contained note with complete background to the Ministry of Housing and Works for appropriate decision by the Chairman BoD i.e. Minister for Housing and Works. Ministry of Housing and Works vide letter dated 04-04-2019 conveyed that the Chairman BoD i.e. Minister for Housing and Works directed to place the matter in the forthcoming BoD meeting.

5. The BoD was informed that the petitioners had filed contempt petition regarding non-implementation of Hon'ble Islamabad Court orders dated 09-05-2018. The contempt application was fixed for hearing on 05-03-2019 whereby the Hon'ble Justice Mohsin Akhtar Kiyani took serious notice of non-implementation of Court orders stated supra and directed Chairman PHA-F to appear in person. The case was fixed for hearing on 30-04-2019.

6. The BoD was further informed that above ex-employees were hired on CPS / Daily wages basis. Their services were terminated by the PHA on 16<sup>th</sup> October, 2006. The policy of regularization of contract/daily wages/contingent paid employees working against regular posts was announced by the Government in the year, 2008. None of these ex-employees was in service in the year, 2008. Hence, they were not eligible for regularization under the regularization policy-2008 of the Government. As far as matter of regularization of other Government employees pursuant to order passed by Hon' able Islamabad High Court in ICA No.263/2011 was concerned, it was apprised that the Division Bench of the Hon' able Court had referred the matter of in service employees to the Cabinet Committee on Regularization. Whereas, the service of above mentioned ex-employees of PHA were terminated in the year 2006. Moreover, regularization policy was evolved in the year 2008. The ex-employees of PHA had invoked the jurisdiction of NIRC and their petitions and appeals were dismissed by single and full bench of the NIRC. Hence stance of above ex-employees of PHA regarding regularization pursuant to order passed by Hon' able Islamabad High Court, Islamabad in ICA No.263/2011 was not applicable in the instant case.

7. As all the referred employees were hired on need basis on CPS/daily wages basis, and PHA terminated the services of these employees on 16-10-2006. Whereas the policy of the regularization was formulated in the year of 2008 and none of the petitioners was in service in 2008, hence, their services could not be regularized under the regularization policy 2008 of the Cabinet Division.

8. The matter was placed before the BoD for consideration.

**DECISION:**

**After detailed deliberation, it was decided that since these employees were neither civil servants nor regular employees of PHAF rather they were contingent paid / contract staff. Moreover, the policy for the regularization was formulated in the year**

the year 2008 for the in service employees whereas, none of the petitioners was in service in 2008. Hence, their services cannot be regularized under the regularization policy 2008 of Cabinet Division and their services were lawfully terminated.

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

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## UNDERTAKING

(TO BE PRINTED ON STAMP PAPER OF RS. 100/ (ONE HUNDRED))

I, Mr. \_\_\_\_\_ S/o \_\_\_\_\_ having CNIC No. \_\_\_\_\_, Resident of \_\_\_\_\_, provisionally allottee of House No. \_\_\_\_\_, in PHAF residencies, hereby acknowledge and confirm that in the construction of the above referred house due to extraneous reasons, the construction charges already settled between the PHAF and me has been modified and additional cost has been calculated Rs: \_\_\_\_\_, (Rupees \_\_\_\_\_ only) which the deponent is ready and willing to pay/deposit to the PHAF, before getting the possession letter.

That the deponent further acknowledges and confirms that the first installment of Rs: \_\_\_\_\_, (Rs: \_\_\_\_\_ only) as additional cost of above referred house, the deponent is paying through DD/PO Bearing No. \_\_\_\_\_ dated \_\_\_\_\_ amounting to Rs: \_\_\_\_\_ to be drawn at \_\_\_\_\_ Bank \_\_\_\_\_ Branch, \_\_\_\_\_. And remaining additional cost of Rs: \_\_\_\_\_, (Rupees \_\_\_\_\_ only) shall be paid by or before \_\_\_\_\_, in three installments, details of which are as follows and post dated cheques of the said outstanding amount has been issued and submitted by me before PHAF, detail of which as follows:

1. Cheque Bearing No. \_\_\_\_\_ dated \_\_\_\_\_ amounting to Rs: \_\_\_\_\_ (Rupees \_\_\_\_\_ only) to be drawn at \_\_\_\_\_ Bank \_\_\_\_\_ Branch, \_\_\_\_\_.
2. Cheque Bearing No. \_\_\_\_\_ dated \_\_\_\_\_ amounting to Rs: \_\_\_\_\_ (Rupees \_\_\_\_\_ only) to be drawn at \_\_\_\_\_ Bank \_\_\_\_\_ Branch, \_\_\_\_\_.
3. Cheque Bearing No. \_\_\_\_\_ dated \_\_\_\_\_ amounting to Rs: \_\_\_\_\_ (Rupees \_\_\_\_\_ only) to be drawn at \_\_\_\_\_ Bank \_\_\_\_\_ Branch, \_\_\_\_\_.

The above referred cheques will be en-cashed on the given date, specifically mentioned on the above referred cheques.

That the deponent is further acknowledges and confirms that in case of failure in the payment or encashment of above referred cheques, the PHAF will be at liberty to withdraw my work permission letter and can process for cancellation of my allotment of the above said house as per policy and I shall not pursue the matter before any court of law.

That the deponent further acknowledges and confirms that in case the above mentioned cheques are not en-cashed on its presentation in bank on the due date, PHAF reserves its right to cancel the work permission letter at the risk and costs of the deponent.

*Deponent*

### VERIFICATION

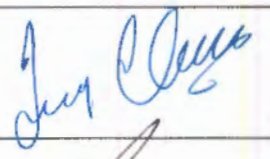
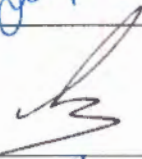
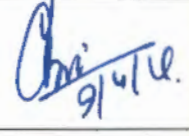
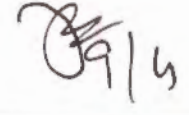

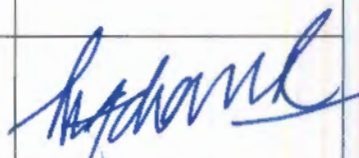
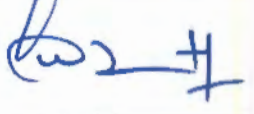
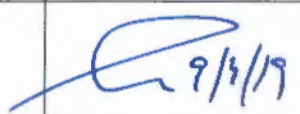
*Verified on oath at \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_ 201--, that the contents of the above affidavit are true and correct to the best of my knowledge and belief.*

*Deponent*

# 33<sup>RD</sup> BOD MEETING OF PHA FOUNDATION

APRIL 09, 2019

## ATTENDANCE SHEET

| S. No. | Name   | Designation  | Signature   |
|--------|--|--------------|---|
| 1      | Mr. Tariq Bashir Cheema, Federal Minister for Housing & Works/ Chairman, PHA Foundation, Islamabad | Chairman     |    |
| 2      | Dr. Imran Zeb Khan, Secretary, M/o Housing & Works, Islamabad                                      | Dy. Chairman |    |
| 3      | Mr. Muhammad Yaseen Shar Baloch, Joint Secretary (Admin), M/o Housing & Works, Islamabad           | Member       |    |
| 4      | Mr. Jawaid Akhter <i>Bamar Hayat</i><br>Joint Engineering Advisor, M/o Housing & Works, Islamabad  | Member       |   |
| 5      | Mr. Zahoor Ahmad, Financial Advisor (Works)/ Joint Secretary, Finance Division, Islamabad          | Member       |  |
| 6      | Hafiz Dr. Ahmad Bakhsh, Member Engineering, CDA, Islamabad   | Member       |   |
| 7      | Mr. Muhammad Adnan Rashid, Deputy Secretary (Admin), M/o Housing & Works, Islamabad                | Member       |  |
| 8      | Mr. Waseem Hayat Bajwa, Director General, FGEHF, Islamabad   | Member       |  |
| 9      | Mr. Tariq Rashid, Chief Executive Officer, PHA Foundation, Islamabad                               | Member       |   |
| 10     | Mr. Shahid Farzand, Director General, Pak. PWD, Islamabad  | Member       |  |

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