

MINUTES OF 112TH MEETING OF THE GOVERNING BODY OF FDA HELD ON 05.07.2021 AT 11:30 AM UNDER THE CHAIRMANSHIP OF MR. MUHAMMAD LATIF NAZAR, MPA PP-114 / CHAIRMAN, GOVERNING BODY FDA IN THE COMMITTEE ROOM OF FDA, FAISALABAD.

The following attended the meeting: -

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|-----|--|---------------------------|
| 1. | Mr. Muhammad Latif Nazar, MPA PP-114 / Chairman Governing Body, FDA. | Chairman |
| 2. | Sheikh Shahid Javed, Vice Chairman, WASA Faisalabad | Member |
| 3. | Mr. Adil Pervaiz, MPA PP-102, Faisalabad | Member |
| 4. | Mian Waris Aziz, MPA PP-113, Faisalabad | Member |
| 5. | Mst. Firdous Rahna, MPA, Faisalabad | Member |
| 6. | Dr. Shahinshah Faisal Azim, Director General FDA, Faisalabad. | Member / Secretary |
| 7. | Mr. Jabbar Anwar Chaudhry, Managing Director, WASA. | Member |
| 8. | Mr. Javaid Sharif, Technical Expert / Member BOG, Faisalabad. | Member |
| 9. | Syed Sultan Azam, Member BOG, FDA Faisalabad. | Member |
| 10. | Mr. Nasir Mehmood, Member BOG, FDA Faisalabad. | Member |
| 11. | Mr. Naeem Ullah, CEO, Municipal Corporation, Faisalabad. | Member |
| 12. | Dr. Naveed Iftikhar, Director (Dev. & Finance), Rep. of Commissioner, FSD & P&D Board Lahore. | Member |
| 13. | Mr. Tanvir Hussain, Finance & Planning Officer, Rep. of Deputy Commissioner, Faisalabad | Member |
| 14. | Mr. Ihsan Ullah Qamar, Deputy Director (LG), Faisalabad. Rep. of LG & CD Department, Lahore | Member |

The following also attended the meeting to present their related Agenda Items included in the meeting:-

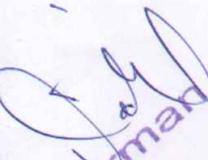
1. Additional Director General, FDA.
2. Chief Engineer, FDA.
3. Director (Finance), FDA.
4. Director (Admn), WASA
5. Director (Finance), WASA.
6. Director (Revenue), WASA.
7. Director (Inspection / Town Planning-II), FDA.
8. Director (Town Planning-I), FDA.
9. Director (Town Planning-II), FDA.
10. Director (Estate Management-I), FDA.
11. Director (Estate Management-II), FDA.
12. Director (Planning & Design), FDA.
13. Deputy Director (Admn), FDA.
14. Deputy Director (Legal), FDA.

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Meeting started with recitation of Holy Quran. The Director General, FDA recites the verse of Quran. M/s. Adil Pervaiz, MPA, Mian Waris Aziz, MPA and other Members of BOG, FDA was of the view that number of committees have been constituted during last BOG meetings, but no outcome / recommendations / reports were presented before the House. They further asked the Director General, FDA to apprise the house about the status of these committees / enquiries before going to regular agenda / implementation etc. The Director General, FDA informed the implementation status as well as committees constituted in the light of decisions of the House.

The Director General, FDA / Secretary explained that as unanimously decided in previous BOG meeting, a fact finding probe committee has been constituted and notified vide No. Admn/1162/FDA-2021 dated 12.06.2021 regarding approval process of Citi Housing Scheme under the convenership of Director (Finance), FDA to examine the matter and indicate irregularities if any along with determining responsibility of delinquents. Mian Waris Aziz, MPA / Member BOG, FDA requested the Chairman to consider two members of BOG in the above said committee in order to make the committee more broad way. The House unanimously nominated the following members:-

1. Mian Waris Aziz, MPA PP-113 / Member BOG, FDA.
2. Mr. Majid Hussain, Member BOG, FDA.


Chairman
F.D.A

During meeting, the Director General, FDA called the Deputy Director (Legal), FDA to explain whether a private person / member BOG can be nominated in any type of enquiry i.e. regular or fact finding. The Deputy Director (Legal), FDA explained that members of BOG can be deputed / nominated for fact finding enquiry, but regular enquiry should be initiated under relevant rule / policy. Further, he will brief the Authority with rule / policy.

The Managing Director, WASA explained the House that on the issue of sewerage and disposal of Citi Housing Scheme, Developer was called and they submitted affidavit for laying sewerage lines as per approved SOPs within 03-months, therefore updated status shall be presented before the House.

The Director General, FDA / Secretary explained that a fact finding probe committee regarding issuance of sanction letter without getting payment of illegal development charges of Nawab City, Nawab Block, Nawab Style, approval of Eden Orchard Private Housing Schemes, Faisalabad based on probe report conducted in FDA and land status of Pine Garden, Private Housing Scheme, Faisalabad in Board of Revenue under the chairmanship of Director (Finance), FDA has been constituted to scrutinize the cases of above said Private Housing Schemes and submit recommendations alongwith responsibility against delinquents, if any who failed to implement rule / policy in vogue. The Chair directed to complete these as well as all other probes at the earliest and submit report in next meeting.

Mian Waris Aziz, MPA / Member BOG, FDA further indicated that an incident happened on 15.06.2021 in Pine Park Private Housing Scheme situated at Millat Road, Faisalabad wherein two innocent children were drowned. The Director (Town Planning-II), FDA explained that the incident took place within the periphery of the Housing Scheme and the incident report has already been sent to Administrative Department. Further, he alongwith DG & ADG, FDA alongwith M/s. Javed Sharif & Majid Hussain, members BOG visited the site on same day and keeping in view the intensity of the issue, the machinery at site was confiscated. However, the Developer has submitted file for approval at E-Khidmat Markaz through new approval regime and the same is under process at initial stage. Further, the Developer submitted that they purchased the land from previous developer who had already performed some basic development work, and that the machinery at site was only to dig foundation and build the peripheral wall to take possession of the site; his stance was corroborated by the previous GIS maps. However, Mr. Nasir Mehmood, Member

BOG, FDA observed that there was a need to ensure that no sale / purchase would be allowed to the Developer till sanction of the scheme. The Chairman, BOG, FDA directed the concerned Director that all action should be under rule and without any discrimination.

Mian Waris Aziz, MPA / Member BOG further asked that an incident was also took place at Gulberg Green, Private Housing Scheme, Faisalabad where Developer made resistance for their illegal activities and misbehave with FDA staff, whether FDA has initiated any action against them. The Director (Town Planning-II), FDA explained that request for registration of FIR has been initiated to concerned Police Station and Estate Officer, FDA has directed to pursue the matter. Further, letter for ban of services has been sent to all concerned Authorities i.e. FESCO, Sui Gas etc. The Chair, BOG directed to pursue the matter with concerned Police Station for registration of FIR and further legal action against the concerned Developer etc. to which the House unanimously agreed.

Mr. Javed Sharif, Member BOG, FDA explained that under Section-4 of Punjab Development of Cities Act, 1976 all members are nominated and perform accordingly, but some officer likely misbehave and abused for the input regarding betterment of Authority etc. The Chair, BOG FDA asked the members to give their input and their positive efforts will be appreciated / implemented in the best interest of Authority.

The Director General, FDA / Secretary with the permission of Chair presented Agenda Items of 112th meeting of Governing Body of FDA before the House.

ITEM NO.1:

CONFIRMATION OF THE MINUTES OF 111th MEETING OF GOVERNING BODY OF FDA HELD ON 06.05.2021 AND IMPLEMENTATION REPORT.

The confirmation of minutes of 111th meeting of Governing Body of FDA held on 06.05.2021 and implementation report was sought.

DECISION:

The House unanimously confirmed the minutes of 111th meeting of Governing Body of FDA and implementation report.

ITEM NO.2:

ISSUES / WAY FORWARD OF FINANCE DIRECTORATE, FDA.

The Director (Finance), FDA explained the House that following initiative have been taken to adopt new financial applications accordingly: -

1. ENGAGEMENT OF CHARTERED ACCOUNTANT FIRM / CONSULTANT FOR SHORT CONSULTANCY TO PREPARE THE FINANCIAL STATEMENTS

Mr. Faizan Ahmed, Assistant / Deputy Commissioner (E&C), IR Unit-I, Range-II, Zone-Corporate, RTO Faisalabad has invalidated the tax returns of income for the year 2016, 2017 & 2018 filled by FDA through consultancy firm M/s Zahid Jamil & Co, Chartered Accountant Firm, Faisalabad on 07.05.2021 due to non-fulfillment of deficiencies as required u/s 120(3). Further forwarded the 03-Nos. show cause notices on 25.05.2021 wherein he made his assessment of income on the basis of total credit entries in FDA's official bank accounts during the tax year 2016, 2017 & 2018.

FDA file an appeal before the Commissioner (Appeal), RTO Faisalabad against the illegal orders dated 07.05.2021 of the Assistant / Deputy Commissioner (E&C), IR Unit-I, Range-II, Zone-Corporate, RTO Faisalabad through consultant to defend the plea of the authority. The audit authorities framed 06-No's audit para for non-preparation of Financial Statement / Assets & Liabilities Statements. Besides this, CMIT, Govt. of the Punjab, Lahore also emphasized for preparation on preparation of financial statement including Balance Sheet, of FDA as informed by the Section Officer, (H-II), Govt. of the Punjab, HUD & PHED, Lahore vide letter No SO(H-II)4-37/2019 dated 26.11.2019.

In order to strongly defend the case of FDA as well settlement of above mentioned audit paras and to compliance the recommendations of the CIMT, financial statements for the year 2016, 2017 & 2018 of FDA are required to be prepared through qualified / reputable Chartered Accountant Firm under PPRA rules.

Accordingly, it is proposed that the qualified Chartered Accountant Firm / Consultant may be engaged as short consultancy for preparation of financial accounts for the year ended June 30, 2016, 2017 & 2018 as per clause 2(ab) and 46-A PPRA Rules 2014 on following Terms Of References (TORs):-

- i. To prepare the complete Chart of Accounts of UD-Wing, FDA.
- ii. To design and prepare accounting software of FDA.

- iii. To work out the opening and closing balances of assets and liabilities from the books and records of FDA for the purpose of preparation of financial statements for the year ended June 30, 2016, 2017 & 2018.
- iv. To prepare the financial statements of Faisalabad Development Authority (FDA) comprising of balance sheet, profit and loss account and cash flow statement for the year ended June 30, 2016, 2017 & 2018 from the books and records maintained by FDA give a true & fair view of financial position for the period ended as on June 30, 2016, 2017 & 2018.
- v. To prepare a complete list of assets of FDA except plots / land after performing physical count / verification and to work out the cost / carrying value of those assets for the purpose of preparation of financial statements.
- vi. To check and reconcile the record of assets of FDA in shape of plots / land still un-sold, in different projects or otherwise, from the record of FDA and to work out the cost / carrying value of those assets for the purpose of preparation of financial statements.
- vii. To reconcile the record of civil work on different project incurred during the year as per financial record and non-financial record maintained by the engineering department.
- viii. To prepare a list of contingencies and litigations for or against FDA from the books and records for the purpose of disclosure or adjustments in the financial statements.
- ix. To draft the proposed Accounting Policies using the relevant applicable / suitable financial reporting framework that uses accrual basis of accounting.
- x. Preparation / compilation of opening financial statements including balance sheet of FDA as on 01.07.2016.
- xi. Accounting and book keeping of financial transactions on software for 02-months.
- xii. Staff training of Finance Directorate, FDA on software.
- xiii. Compilation of Financial Statements (Balance Sheet, Cash Flow Statement, and Income Statement etc) for the period ending as on 30.06.2016.
- xiv. To do any other work as may be considered appropriate for the purpose of the assignment or as may be agreed at the time of entering into a contract.

Therefore, case was placed before the house for consideration and approval of above mentioned TOR's to hire suitable / qualified Chartered Accountant Firm / consultant for preparation of FDA's Financial Statements / accounts for the year ended June 30, 2016, 2017 & 2018 through tender / advertisement as per PPRA Rules-2014.

DECISION:

The House after detailed discussion unanimously approved to hire suitable / qualified Chartered Accountant Firm / Consultant for preparation of FDA's Financial Statements / accounts for the year ended June 30, 2016, 2017 & 2018 after fulfillment of codal formalities under PPRA Rules, 2014.

2. TO FILE WRIT PETITION BEFORE THE HON'BLE LAHORE HIGH COURT LAHORE AGAINST THE FBR ILLEGAL ORDERS.

The Director (Finance), FDA explained the House that FBR has sent 03-Nos. show cause notices on 25.05.2021 wherein he made his assessment of taxable income on the basis of total credit entries in FDA's official bank accounts during the tax year 2016, 2017 & 2018. FDA have filed zero tax returns for the Tax Years from 2011 to 2020 through consultancy firm M/s Zahid Jamil & Co, Chartered Accountant Firm, Faisalabad which was engaged for a period of 06-months vide letter No.2623/Finance/FDA-2020 dated 25.11.2020. The FBR have issued several notices u/s 120(3) to complete the deficiencies in return of income filed by FDA.

These deficiencies notices were defended through above mentioned tax consultancy firm with the plea that FDA's status is covered in the definition of the Local Govt. as per section (2) clause-xvi of the Punjab Local Govt. Ordinance-2001 and accordingly, submission of audited accounts is not required. The said plea was rejected by the FBR and returns for the year 2016, 2017 & 2018 filed were invalidated on 07.05.2021 due to non-fulfillment of deficiencies as required u/s 120(3). Further, FBR issued 03 No's show cause notices on 25.05.2021 on the subject with dead line 10.06.2021.

An appeal before the Commissioner (Appeal), RTO Faisalabad against the illegal orders dated 07.05.2021 of the Assistant / Deputy Commissioner (E&C), IR Unit-I, Range-II, Zone-Corporate, RTO Faisalabad has already been filed by the consultant and M/s. Zahid Jamil & Co, Chartered Accountant Firm, Faisalabad discussed with Commissioner, Corporate Zone, RTO Faisalabad on 10.06.2021, the Commissioner give opportunity on 16.06.2021 as informed by the consultant. The consultant is of the view that FDA have to file a writ petition before the Hon'ble Lahore High Court, Lahore for seeking direction to stop further action against the authority till the decision of the appeal filed by FDA before the Commissioner, FBR.

Case was placed before the house for consideration and approval to file writ petition before the Honorable Lahore High Court, Lahore by authorizing Mr. Tariq Javaid, Deputy Director (Finance / OPS), FDA through the Tax consultant / advocate. The members discussed the matter and requested to take Mr. Majid Hussain, Member BOG being relevant person.

Chairman
F.D.A

DECISION:

The House after detailed discussion unanimously approved to file writ petition before the Hon'ble Lahore High Court, Lahore by authorizing Director (Finance), FDA to proceed with Tax consultant / Advocate.

3. OPENING OF NEW BANK ACCOUNT FOR PENSION FUND

The audit team during the audit for the year 2017-18 & 2018-19 framed an audit observation that Rs.14.193 (M) amount is being paid on monthly basis by the authority to the retired employees from Misc account. Neither a separate account for the purpose was maintained nor a mechanism regarding pension contribution devised. Currently Rs.15.519 (M) monthly pension is being paid to 652-No's of pensioners from FDA which is incremental expenditure and will be increased @10% during next financial year. Being the perpetual expenditure in nature having tremendous financial impact on the authority, the issue was discussed in Development & Finance Committee meeting at para No. 06 held on 17.07.2018 wherein following decision was made to streamline / overcome the future pension payments hurdles considering the massive retirements of employees during coming years:-

"A pension fund account will be opened for pensioners to overcome the future pension hurdles because massive number of employees is going to be retired during FY 2018-19"

Therefore, pension account under titled "FDA Pension Account" may be opened as per decision of the Development & Finance Committee Meeting in Bank of Punjab as per policy to streamline the pension of the authority. Case was placed before the house for consideration and approval.

DECISION:

The House after detailed discussion unanimously approved to open "FDA Pension Account" in the Bank of Punjab to get settled the audit observation and to implement the instruction of Development & Finance Committee.

4. OPENING OF COMMERCIAL BANK ACCOUNTS FOR PRIME MINISTER'S INITIATIVE OF NAYA PAKISTAN HOUSING PROJECT

The Director (Finance), FDA explained the House that Faisalabad Development Authority (FDA) was established under Punjab Development of Cities Act-1976 and is a body responsible for undertaking and monitoring planned developments in the city of Faisalabad, in Punjab, Pakistan. The body acts as a

regulatory authority for overseeing the construction of houses, commercial developments and residential areas in the City. FDA intends to construct 2000-No's housing units comprising of 574-kanals with 800 & 1250 Sfts categories under "Prime Minister's initiative of Naya Pakistan Housing Project" in FDA City Housing Scheme adjacent to motorway (M4) within the estimated cost of project is Rs.6.280 Billion. To complete the project, two models i.e. PPP Model and LDA model were discussed and it was decided to adopt the LDA Model.

To streamline the financial operations of the project, separate bank accounts are required to be opened in Bank of Punjab in-line with the LDA Model. Further, Chapter-VII, clause-26(1) of the Development of Cities Act 1976 authorized the authority to form a fund account for utilization of funds in connection with its functions under this Act. Case was placed before the house for the approval to open following 02-Nos. bank accounts for "Prime Minister's initiative of Naya Pakistan Housing Project" in the Bank of Punjab as per LDA Model:-

1. Escrow Account
2. Contingency Reserve Account.

DECISION:

The House after detailed discussion unanimously approved to open following 02-Nos. Bank Accounts for "Prime Minister's initiative of Naya Pakistan Housing Project" in the Bank of Punjab as per LDA Model:-

- 1). *Escrow Account*
- 2). *Contingency Reserve Account.*

ITEM NO.3:

ADOPTION OF AMENDMENTS / ADDENDUMS OF WASA IN FDA (APPOINTMENT & CONDITIONS OF SERVICE) REGULATIONS, 1990

The Additional Director General, FDA informed the House that Faisalabad Development Authority, Faisalabad has been constituted on 1976 under the Punjab Development of Cities Act, 1976. The Authority follows the rules and regulations, notified by the Govt. of Punjab from time to time was made amendment in its rules, which are also required to be updated / adopted. In this regard, amendments in FDA (Appointment & Conditions of Service) Regulations, 1990 are required for smooth running of the official business specifically of administrative nature of the Authority. Following amendments of WASA (Appointment & Conditions of Service) Regulations, 1990 are required to be adopted in UD.Wing FDA: -

*Chairman
F.D.A*

1. **AMENDMENT FOR THE POST OF DIRECTOR (N.T) BS-19**

By deputation from the Government or by selection on merit from amongst the 3-senior most Deputy Directors (Non-Tech / Accounts / IT with at least 12-years service in Grade-17 or above including 5-years service in Grade-18.

INSTEAD OF

By deputation from the Government or by selection on merit from amongst the 3-senior most Deputy Director including Deputy Director (Accounts) provided he is a Graduate with at least 12-years service in Grade-17 or above including 5-years service in Grade-18.

2. **AMENDMENT FOR THE POST OF ASSISTANT DIRECTOR (N.T) BS-17**

55% by initial recruitment with qualification M.A / M.Sc / BS (Hons.) or equivalent degree having 16-years education from the institutes recognized by the HEC

AND

25% by promotion on the basis of seniority-cum-fitness from amongst the Admn Officers who hold B.A / B.Sc or equivalent degree with at least 5-years service as Admn Officer.

AND

20% by promotion from amongst Personal Secretaries on the basis of seniority-cum-fitness who hold B.A / B.Sc or equivalent degree with at least 5-years service as Private Secretary.

INSTEAD OF

75% by initial recruitment with qualification M.A / M.Sc / B.A L.L.B (recognized from HEC) / BS (Hons.) and 25% by promotion on the basis of seniority-cum-fitness from amongst the Admn Officers who hold M.A / M.Sc / B.A L.L.B (recognized from HEC) / BS (Hons.) qualification with at least 5-years service as Admn Officer.

3. **AMENDMENT FOR THE POST OF CIRCLE HEAD DRAFTSMAN BS-16**

By promotion on the basis of seniority-cum-fitness from amongst the Divisional Head Draftsman who are Diploma Holders (2-years course) with at least 3-years service as Divisional Head Draftsman.

INSTEAD OF

By promotion on the basis of seniority-cum-fitness from amongst the Divisional head Draftsman who are Diploma Holders (3-years course) with at least 3-years service as Divisional Head Draftsman.

4. **AMENDMENT FOR THE POST OF JUNIOR CLERK BS-11**

| Previous | Existing | Proposed amendment |
|---|---|--|
| By initial recruitment having qualification Matriculation with a speed of 25 w.p.m. in typewriting. | By initial recruitment having Higher Secondary School Certificate (at least 2 nd Division) alongwith 6-months certificate of Microsoft Office from a recognized Board / Institution and a speed of 25-words per minute | 80% by initial recruitment having Higher Secondary School Certificate (Intermediate) or equivalent with at least 2 nd Division and speed of 25 W.P.M in typewriting |

[Handwritten Signature]
Chairman
F.D.A

| | | |
|--|---|---|
| | of typing on Computer in English and proficient in Microsoft Office or any other compatible office application and he shall demonstrate such proficiency. | AND 20% by promotion on the basis of seniority-cum-fitness from amongst BS-1 to BS-4 staff who possess qualification Matric (2 nd Division) and 3-years service in BS-1 to BS-4. |
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5. **ADDENDUM FOR THE POST OF SANITARY SUPERVISOR BS-07**

By promotion on the basis of seniority-cum-fitness from amongst Sanitary Workers with at least 5-years service.

6. **ADDENDUM FOR THE POST OF MECHANIC BS-07**

By promotion on the basis of seniority-cum-fitness from amongst the Assistant Mechanic BS-02 with at least 5-years service.

DECISION:

The House after detailed discussion unanimously approved to adopt amendments of WASA service rules in FDA (Appointment & Conditions of Service) Regulations, 1990 mentioned at Serial No. 1 to 4 and addendum at Serial No.5 & 6 i.e. Sanitary Supervisor BS-07 & Mechanic BS-07 will be scrutinize in committee already constituted for the said purpose.

ITEM NO.4:

IMPLEMENTATION OF DECISION IN WRIT PETITION NO.1452/2015 TITLED AS "KHALIL AHMAD SULEHRIA V/S. FDA ETC."

The Additional Director General, FDA explained that Mr.Khalil Ahmad Sulehria, ex-Sub Engineer, FDA get regularized his work charge service w.e.f. 27.09.1978 and get Selection Grade BS-16 w.e.f. 26.02.2000 vide office order dated 25.11.2008. On the representation of aggrieved Sub Engineers, the then Director General, FDA vide his order No.189-201/DG/FDA-2013 dated 23.02.2013 reviewed the orders by withdrawing office order dated 25.11.2008.

Thereafter, Mr.Khalil Ahmad Sulehria filed Writ Petition No.9362/2013 in Lahore High Court, Lahore. The Hon'ble Lahore High Court, Lahore vide order dated 24.04.2013 has directed the then Director General, FDA to issue speaking order. The then Director General, FDA after hearing all concerned uphold the orders dated 23.02.2013 vide office order dated 15.12.2014.

Mr.Khalil Ahmad Sulehria again filed Writ Petition No.1452/2015 in the Lahore High Court, Lahore. The Hon'ble Lahore High Court, Lahore vide order dated 21.01.2015 suspended the operation of both office orders dated 23.02.2013

&15.12.2014. Accordingly, the FDA authorities issued office order No.Admn/1423-28/FDA-2015 dated 18.02.2015 for re-fixation of pay in selection grade BS-16 etc. Now, the said ex-Sub Engineer had been retired from FDA service on attaining the age of superannuation vide office order No.Admn/9176-81/FDA-2016 dated 05.10.2016 and had received all his consequential benefits of Selection Grade BS-16 etc. alongwith monthly pension in BS-16 since 08.12.2016.

The Lahore High Court, Lahore has disposed off the writ petition No. 1452/2015 vide decision dated 18.09.2020

“Learned counsel states that the petitioner has retired from Government service on 08.12.2016, hence the instant petition has become in-fructuous. Disposed of accordingly”.

In the light of above said disposal, the Competent Authority has desired legal opinion / comments from Senior Legal Advisor, FDA at Lahore on 19.11.2021 to avoid legal / audit completions and to proceed further into the matter whether the office order No.Admn/1423-28/FDA-2015 dated 18.02.2015 is required to be withdrawn vide which the ex-Sub Engineer had received all consequential benefits of Selection Grade BS-16 etc. or the office order No.189-201/DG/FDA-2013 dated 23.02.2013 regarding withdrawn of Selection Grade BS-16 is required to be implemented through fresh office order or otherwise.

The Senior Legal Advisor FDA at Lahore and Legal Advisor, FDA opined as under:-

“It is an administrative matter, please deal at your own level as no writ petition is pending in High Court”.

“It is opined that no stay order or any case is subjudice regarding the reviewed order dated 23.02.2013 which now attain the finality. So, the department may receive or pay back any benefits of his selection grade BS-16”.

Later on, a committee comprising Additional Director General, Director Town Planning-I, II, Director Estate Management-I, II & Deputy Director (Legal), FDA was also constituted to scrutinize the case of Mr.Khalil Ahmad Sulehria, Ex-Sub Engineer, FDA in the light of decision in Writ Petition No.1452/2015 vide office order No.Admn/368/FDA-2021 dated 15.02.2021. Recommendations of the committee are as under:-

"The committee after perusal of record, legal opinions and detailed discussion unanimously recommended as the all previous orders issued by the Director General, FDA being Competent Authority therefore, case may be placed before the ensuing Governing Body meeting for further decision being superior forum".

The Section Officer (E-I), Govt. of the Punjab, HUD & PHED, Lahore vide his letter dated 09.03.2020 has already informed the recommendations of the Enquiry Officer, CMIT Punjab Lahore that *"the department shall implement the 10.10.2018 order of the Honourable High Court, Lahore vide writ petition No.1452-15 and readjust the pensionary benefits etc and recover the excessive amount from the complainant, Mr.Khalil Ahmad Sulehria (if needed)".*

DECISION:

The House after detailed discussion unanimously approved to proceed in the light of disposal / dismissal of Writ Petition No.1452/2015 titled as Khalil Ahmad Sulehria V/s. FDA by Hon'ble Lahore High Court, Lahore on 18.09.2020.

ITEM NO.5:

EXTENSION IN LEASE OF ANJUMAN UMMAL MADARIS GULBERG COLONY BLOCK-A, FAISALABAD.

The Director (Estate Management-I), FDA explained the House that an area measuring 08 Kanal and 18 Marla reserved for primary school in Gulberg Colony, Block-A, Faisalabad was allotted to President Anjuman Ummul Madaris Jinnah Colony, Lyallpur by the Secretary Lyallpur Improvement Trust @ Rs. 7/- per month for the period of 20 years on lease vide allotment letter No. 312/LIT-58 dated 10.06.1958 for the purpose of construction a primary school according to the approved plan and P.W.D. specification. On expiry of lease agreement w.e.f. 10.06.1978, lease agreement was extended for further period upto 10.06.2010 @ 50/- per kanal per annum and for the period from 11.06.2010 to 10.06.2018 @ 1000/- per kanal vide letter No.466/D-EM-I/FDA-2010 dated 10.04.2010. Now, the lease agreement has been expired w.e.f. 10.06.2018.

President Anjuman Ummul Madaris has requested that a building of Primary School for boys situated at Gulberg Colony, Faisalabad was constructed by Anjuman Ummul Madaris for welfare purposes and the same is running on charity basis under Administrative Control of Anjuman Ummul Madaris since 1958. They have requested to extend the lease period for further 20-years.

As per FDA regulations for lease / rent of properties/ Petrol Pump and CNG Stations the terms & conditions are as under:-

1. An Authority may give its property (land, constructed residential units/shops/offices etc) on lease, rent or lease on short term basis (05 years) or long term basis (above 15-years) through open auction. The Director General will determine the term of lease period. Short term lease and long term lease can be extended once for a period of 2 and 5 years respectively.
2. A person shall be entitled to participate/bid in the open auction on payment of earnest money i.e. 10% of the security amount as determined by the Price Assessment Committee.
3. The earnest money shall be deposited in form of cash /pay order or demand draft, issued by a scheduled bank.
4. If the lease period expired the property can be offered to the present /legal occupant on monthly rent fixed by the Competent Authority / Price Assessment Committee which will not be less than existing rent till the next open auction.

According to terms & conditions 1 & 4 the lease agreement can be extended once for a period of 2 and 5 years respectively on the monthly rent fixed by the Competent Authority/ Price Assessment Committee which will not be less than existing rent till the next open auction. On the other hand, the lease agreement of the site of Primary School Gulberg Colony block-A has already been extended twice upto 10.06.2018. Last time, taking a lenient view the lease agreement was extended on the pattern of Madrasa Nusrat-ul-Islam on the same terms & conditions with the approval of Governing Body of FDA in its 74th meeting held on 10.05.2007.

As per lease Regulations of FDA, annual lease amount / rent of any property should not be less than 2% of the total value of the property / land. As per prevailing residential District Collector Rates the total value of land is Rs.14,41,80,000/- (DC rate Rs.8,10,000/marla) and the 2% of this value comes out to be Rs.28,83,600/-.

Therefore, the request of Anjuman Ummul Madaris for extension in lease agreement for the further period of 15-years @ of Rs.28,83,600/year (twenty eight lac, eighty three thousand and six hundred rupees per year) alongwith 10% annual increase is submitted before the House for approval / further deliberation

DECISION:

The House after detailed discussion unanimously approved extension in lease agreement for the further period of 15-years @ Rs.28,83,600/- (twenty eight lac, eighty three thousand and six hundred rupees) per year alongwith 25% increase after every

three years to Anjuman Ummal Madaris Gulberg Colony Block-A, Faisalabad, subject to recommendations of the committee consisting of following members:-

- 1. Mst. Firdos Rehna, MPA / Member BOG Convener**
- 2. Mr. Nasir Mahmood, Member BOG Member**
- 3. Mr. Junaid Hassan Khan, Director (EM-I), FDA. Member**

ITEM NO.6:

EXTENSION IN LEASE OF ANJUMAN NUSRAT-UL-ISLAM GULBERG COLONY BLOCK-A, FAISALABAD.

The Director (Estate Management-I), FDA explained the House that FDA an area measuring 08 kanal 17 Marla and 268-SFT reserved for primary school for Girls in the Gulberg Colony, Block-A, Faisalabad was allotted to Anjuman Nusrat-ul-Islam by the Secretary Lyallpur Improvement Trust @ Rs. 7/- per month for the period of 20 years on lease vide allotment letter No. 868/LIT-60 dated 21.07.1960 for the purpose of construction of primary school according to the approved plan and P.W.D. specification. On expiry of lease agreement w.e.f. 20.07.1980 the lease agreement was extended for further period upto 20.07.2000 @ Rs. 50/- per kanal per annum and for the period from 21.07.2000 to 20.07.2020 @ 1,000/- per kanal vide letter No. 860-63/EM/FDA-2007 dated 26.05.2007.

President Anjuman Nusrat-ul-Islam has requested that a building of Primary School for girls situated at Gulberg Colony, Faisalabad was constructed by Anjuman Nusrat-ul-Islam for welfare purposes and the same is running on charity basis under Administrative Control of Anjuman Nusrat-ul-Islam since 1960. They have requested to extend the lease period for further 20 years.

As per FDA regulations for lease / rent of properties/ Petrol Pump and CNG Stations the terms & conditions are as under:-

- 1.** An Authority may give its property (land, constructed residential units/shops/offices etc) on lease, rent or lease on short term basis (05 years) or long term basis (above 15-years) through open auction. The Director General will determine the term of lease period. Short term lease and long term lease can be extended once for a period of 2 and 5 years respectively.
- 2.** A person shall be entitled to participate/bid in the open auction on payment of earnest money i.e. 10% of the security amount as determined by the Price Assessment Committee.
- 3.** The earnest money shall be deposited in form of cash /pay order or demand draft, issued by a scheduled bank.
- 4.** If the lease period expired the property can be offered to the present /legal occupant on monthly rent fixed by the Competent Authority /

Price Assessment Committee which will not be less than existing rent till the next open auction.

According to terms & conditions 1 & 4, the lease agreement can be extended once for a period of 2 and 5 years respectively on the monthly rent fixed by the Competent Authority/ Price Assessment Committee which will not be less than existing rent till the next open auction. On the other hand, the lease agreement of the site of Primary School Gulberg Colony block-A has already been extended twice upto 20.07.2020. Last time, the lease agreement was extended @ Rs.1,000/- per kanal per annum on the same terms & conditions with the approval of Governing Body of FDA in its 74th meeting held on 10.05.2007.

As per lease Regulations of FDA, annual lease amount / rent of any property cannot be less than 2% of the total value of the property / land. As per prevailing residential District Collector Rates the total value of land is Rs. 14,33,70,000/- (DC rate Rs.8,10,000/marla) and the 2% of this value comes out to be Rs.28,67,400/-.

Therefore, the request of Anjuman Nusrat-ul-Islam for extension in lease agreement for the further period of 15-years @ of Rs.28,67,400/year (twenty eight lac, sixty seven thousand and four hundred rupees per year) alongwith 10% annual increase is submitted before the House for approval / further deliberation please

DECISION:

The house after detailed discussion was of the view that this long pending issue needs to be resolved and unanimously approved extension in lease agreement for further period of 15-years @ Rs.28,67,400/- (twenty eight lac, sixty seven thousand and four hundred rupees) per year alongwith 25% increase after every three years to Anjuman Nusrat-ul-Islam Gulberg Colony Block-A, Faisalabad, subject to recommendations of the committee consisting of following members:-

- | | |
|--|----------|
| 1. Mst. Firdos Rehna, MPA / Member BOG | Convener |
| 2. Mr. Nasir Mahmood, Member BOG | Member |
| 3. Mr. Junaid Hassan Khan, Director (EM-I), FDA. | Member |

ITEM NO.7:

MODE OF PAYMENT FOR THE ALLOTTEES OF AHMAD NAGAR HOUSING SCHEME, FAISALABAD

The Director (Estate Management-I), FDA explained the House that FDA developed the Ahmed Nagar Housing Scheme for the low income residents of

Faisalabad in the year 1986-1987. The plots were allotted through ballot to the orphans, widows, handicaps person and some plots were allotted to the residents of Katchi Abadis against their survey. Most of the allottees of Ahmed Nagar Housing Scheme did not pay cost of land and the allotments of plots were cancelled in the year 2000-2001 due to non payment and the same were placed in the open auction for further disposal from time to time. Over different times more than 150 plots while are vacant has been auctioned. As per report of Town Planning Directorate of FDA. There are many plots whose even 1st installment is not paid are constructed at site and the same are cancelled as well.

The allottees of Ahmed Nagar Housing Scheme have got the stay orders from the court against the auction of the plots. Ex-Director General, FDA Mr. Suhail Khawaja visited the Ahmed Nagar Housing Scheme alongwith the public representative and heard their grievances. He also assured them that their case will be placed before the ensuing meeting of the Governing Body of FDA for the redressal of their issues.

Therefore, in the larger national interest and to prevent the allottees of low income housing schemes from becoming the shelter less, it is proposed that:-

Those cancelled plots whose even 1st installment is not paid may be allowed to restore as per following terms & conditions:-

1. Cost of land alongwith 13.5% annual interest from the date of allotment.
2. Restoration fee as per prevailing restoration policy i.e. 15% of DC rate.
3. Additional penalty Rs. 50,000/- per plot upto 30.06.2022 and after this additional penalty would be increased 100% till 30.06.2023.

This relaxation of restoration policy would only be for the plots of Ahmed Nagar Housing Scheme which have already been constructed at site as per report forwarded by the Town Planning Directorate.

DECISION:

The House after detailed discussion unanimously approved the mode of payment for the allottees of Ahmad Nagar Housing Scheme, Faisalabad only for already constructed plots as per reports of Town Planning-I & Estate Management-I, FDA on deposit of following dues/charges:-

1. ***Cost of land alongwith 13.5% annual interest from the date of allotment.***

2. Restoration fee as per prevailing restoration policy i.e. 15% of current DC rate.
3. Additional penalty Rs.50,000/- per plot upto 30.06.2022 and after this additional penalty would be increased 100% till 30.06.2023.

ITEM NO.8:

**ALTERNATE ALLOTMENT OF SHOP AGAINST SURVEY NO. 4/255
KATCHI ABADI FACTORY AREA, FAISALABAD.**

The Director (Estate Management-I), FDA explained the House that as per record survey No. 4/255 is in the name of Mr.Khair Din S/o Lal Din. Shop No. 13/F Allama Iqbal Colony was allotted to him against his survey. Later on the part plan of the scheme was revised by the approval of the then Director General, FDA and some shops were eliminated from the layout plan of the scheme including shop No. 13/F Allama Iqbal Colony Faisalabad. Alternate shops located at Cotton Mills Road Faisalabad were allotted to the survey holders against their shops already allotted to them in Allama Iqbal Colony Faisalabad. Shop No.22/C Cotton Mills Road was proposed for allotment against the shop No.13/F Allama Iqbal Colony Faisalabad but Mr.Fateh Muhammad S/o Muhammad Ibrahim having survey No. 2/15 file the civil suit and got the stay order /decree for the allotment of anyone of the shop among the shop No. 22 & 23 Cotton Mills Road. Due to which shop No. 22/C Cotton Mills Road did not allot to the survey holder against his shop No. 13/F Allama Iqbal Colony Faisalabad.

In pursuance the decision of the Court the shop No. 23, Cotton Mills Road has been allotted to decree holder i.e. Mr.Fateh Muhammad S/o Muhammad Ibrahim having survey No. 2/15 and shop No. 22 Cotton Mills Road is available for allotment to survey holder having No. 4/255 against his shop No. 13/F Allama Iqbal Colony, Faisalabad.

During the process for alternate allotment, the survey holder Mr.Kher Din S/o Lal Din allottee of shop No. 13/F, Allama Iqbal Colony Faisalabad has been expired and legal heirs of the survey holder have requested to allot the alternate shop against the shop No. 13/F Allama Iqbal Colony Faisalabad already allotted to their father.

The case was placed in the Director's Coord. Conference meeting held on 13.02.2021 to decide the issue regarding alternate allotment of shop No. 22/C Cotton Mills Road against shop No. 13/F Allama Iqbal Colony which does not exist at

site due to approved revised plan. The Director's Coord. Conference in its meeting held on 13.02.2021 has unanimously recommended to seek approval from BOG.

DECISION:

The House after detailed discussion unanimously approved the recommendations of Director's Coord. Conference dated 13.02.2021 in connection with alternate allotment to Survey Holder Mr.Kher Din S/o Lal Din allottee of Shop No. 13/F, Allama Iqbal Colony, Faisalabad.

ITEM NO.9:

PENALTY RATES FOR REGULARIZATION OF ILLEGAL CLOSURE OF ARCADE.

The Director (Town Planning-I), FDA explained the House that Director Coord. Conference held on 01.11.2008 approved penalty rates for regularization of illegal arcade in FDA's Developed Housing Schemes. That decision was valid till 09.09.2011. The approved rates were as following:-

| S.No. | Period | Penalty Rate |
|-------|-------------------------|-----------------|
| 1. | 10.9.2003 to 09.09.2004 | Rs.500/-Per Sft |
| 2. | 10.9.2004 to 09.09.2005 | Rs.550/-Per Sft |
| 3. | 10.9.2005 to 09.09.2006 | Rs.600/-Per Sft |
| 4. | 10.9.2006 to 09.09.2007 | Rs.650/-Per Sft |
| 5. | 10.9.2007 to 09.09.2008 | Rs.700/-Per Sft |
| 6. | 10.9.2008 to 09.09.2009 | Rs.750/-Per Sft |
| 7. | 10.9.2009 to 09.09.2010 | Rs.800/-Per Sft |
| 8. | 10.9.2010 to 09.09.2011 | Rs.850/-Per Sft |

The same practice continued after 2011as:-

| Sr.No. | Period | Penalty Rate |
|--------|--------------------------|-------------------|
| 1 | 10.09.2011 to 09.09.2012 | Rs.900/-Per Sft |
| 2 | 10.09.2012 to 09.09.2013 | Rs.950/- Per Sft |
| 3 | 10.09.2013 to 09.09.2014 | Rs.1000/-Per Sft |
| 4 | 10.09.2014 to 09.09.2015 | Rs.1050/- Per Sft |
| 5 | 10.09.2015 to 09.09.2016 | Rs.1100/- Per Sft |
| 6 | 10.09.2016 to 09.09.2017 | Rs.1150/- Per Sft |
| 7 | 10.09.2017 to 09.09.2018 | Rs.1200/-Per Sft |
| 8 | 10.09.2018 to 09.09.2019 | Rs.1250- Per Sft |
| 9 | 10.09.2019 to 09.09.2020 | Rs.1300/- Per Sft |
| 10 | 10.09.2020 to 09.09.2021 | Rs.1350/-Per Sft |

As majority of Housing schemes developed by FDA are old built up back in 80's) so the illegal closure of arcade may be compounded in these schemes with above penalty except FDA City and Millat Town that are newly established schemes in comparison. It will also booster the recovery of FDA.

*Chairman
F.D.A*

DECISION:

The House after detailed discussion unanimously approved illegal closure of arcade as compoundable violation with 10% annual increase in penalty rates in all Developed Schemes except FDA City and Millat Town (that are newly established schemes in comparison) in order to boost the revenue of the Authority.

ITEM NO.10:

WORKING PAPER REGARDING PETROL PUMP, TRUCK STAND, JHANG ROAD, FAISALABAD

The Director (Town Planning-I), FDA explained the House that a Petrol Pump site located at Truck Stand Jhang Road was awarded to Mr. Muhammad Yasin S/o Muhammad Yousaf on lease through open ballot in 2015. Thereafter, he applied for approval of Petrol Pumps, Building Plan in the office of Deputy Commissioner, Faisalabad, where he has been awarded an NOC after getting report from listed department. Upon started construction on site, he was directed to stop construction as he started construction on site without getting approval of Building Plan from FDA.

Subsequently, he approached the office of Worthy Director General, FDA with Lahore High Court order from the Court of Honorable Justice Mian Saqib Nisar and Justice Ali Akbar Qureshi on the case Muhammad Arshad Mehmood V/s Explosive Department where the Honorable Judiciary ordered that Inspector of Explosive Department is the Competent Authority to approve all Building Plans of Petrol Pumps. The same Judicial order was forwarded to the Chamber of Legal Advisor FDA, for seeking guidance where the Legal Advisor, FDA opined that FDA has no right to approve any building Plan of Petrol Pump in the light of above mentioned Judgment.

Furthermore, it is pertinent to mention here that the Clause 3.8.2 of FDA Building and Zoning Regulations 2008, defines minimum 20 feet building line and 5ft clear space on both sides and rear side with the note given below for approval of Petrol Pump Plan:-

"All requirements of Ministry of Industries, Ministry of Petroleum, EPA and any other concerned agencies shall be complied with by the builder".

But unfortunately these requirements are not corroborated in the plan duly approved by Explosive Department. Moreover, the site in question is Petrol Pump designated site.

Chairman
F.D.A

DECISION:

The House after detailed deliberation and considering that since the site has been reserved for petrol pump specifically having clear surroundings approved to allow construction of petrol pump as per approved plan of Explosive Department.

ITEM NO.11:

WAIVING OFF ANNUAL SURCHARGE 13.5% ON CONVERSION CHARGES

The Director (Town Planning-I), FDA explained the House that the Commercialization Committee meeting approved the conversion of Plot No.387/I-N, Allama Iqbal Colony dated 30.03.2016 with total conversion charges Rs.5,31,667/-. The allottee deposited Rs.2,10,000/- out of total charges remaining Rs.3,21,667/- alongwith surcharge is still pending. As per policy, conversion fee in 4 equal quarterly installments are to be paid over period of one year. Moreover, it is decided in 100th BOG meeting, that if the allottee fails to deposit conversion charges within one year, remaining fee alongwith 13.5% surcharge has to be paid annually. Now allottee of Plot No.387/1-N Allama Iqbal Colony has given application in the office of Director General, FDA to waive off his surcharge as he was unable to pay remaining charges due to pandemic.

There is no policy regarding waiving off the surcharge fee. As per directions of the then Director General, FDA the case may be placed before BOG meeting for consideration of waiving off annual 13.5% surcharge on the conversion charges.

DECISION:

The House after detailed discussion unanimously approved to examine under the new policy / rules for relaxation; otherwise seek advice from Finance Department, Government of the Punjab, Lahore on waiver of 13.5% annual surcharge on late depositing.

ITEM NO.12:

REQUEST FOR CONVERSION OF DISPENSARY SITE INTO COMMUNITY CENTRE, SITUATED AT BLOCK-F, NEAR POLICE STATION, ALLAMA IQBAL COLONY, FAISALABAD

It is submitted that the layout plan of Allama Iqbal Colony was approved on 18.11.1985. The layout comprises of different land uses i.e. parks, public buildings, quarters, commercial shops etc. The above said colony was

designed to accommodate the Survey Holders of Factory Area, subsequently, the quarter were allotted to the impoverished class of the Factory Area. Similarly, other parcels of land were also allotted to the other persons.

Honorable Parliamentarians Mian Farrukh Habib (Parliamentary Secretary for Railways), Mian Waris Aziz (MPA PP-113), Shakeel Shahid (MPA PP-111) and Khayal Kastro Moon (MPA PP-110) have submitted an application to the office of the Director General, FDA with the request to convert a parcel of land designated for Dispensary Site to Community Center in greater public welfare as there is only one Red Crescent Hospital present in the vicinity of 01-KM. it is added that dispensary site measuring an area of 0.31-Acre (101' x 135') abutting on 40-foot Abid Shaheed Road is lying vacant at site since long.

As per TP-I Directorate, Land Use of Dispensary Site cannot be changed. The same was written to Section Officer (H-II), HUD & PHED, Lahore by Estate Management-I Directorate. The Secretary Office recommended to initiate a summary for Chief Minister Punjab for approval. Subsequently, a summary was initiated from the office of Director General, FDA in the light of Disposal of Land by Development Authority (Regulations) Rules, 2002. The Secretary office responded that ibid regulations had been repealed with Amendment and Transfer of Property of Development Authority Act 2014 wherein Section-18(2) stipulates that "an approved scheme shall not be altered or amended except with the approval of the authority" and requested to take action in the light of the latter act.

During discussion, the Director General, FDA recommended that for this Land Use Change of Dispensary Site into Community Center, a newspaper advertisement should also be given to call any objections from the general public if any. The majority of members were, however, of the view that since the residents of Allama Iqbal Colony represented by their parliamentarians wish to use this land for community center, it would be appropriate to change the land use accordingly.

DECISION:

The House after detailed discussion unanimously approved to change land use of Dispensary Site into Community Center.

ITEM NO.13:

PROVISION OF SUITABLE OFFICE / BUILDING ON RENT BASIS.

The Director (Estate Management-I), FDA explained the House that Director, Federal Investigation Agency Punjab Zone-II, Faisalabad vide his letter No.DPZ-II/Admn/Building/2021/7090 dated 04.06.2021 has requested that FIA is a vibrant and one of the most important attached Department of Ministry of Interior, Government of Pakistan, Islamabad. The Department has its Headquarter in Islamabad while its regional offices are situated in all major cities of Pakistan. The Zonal Office Punjab Zone-II is looking after the jurisdiction of half of Punjab related to FIA scheduled crime. It requires a suitable building for effective working of their Directorate.

He further stated that Private Housing Scheme namely "Heven Habitat" Chak No.204/RB, Canal Road, Faisalabad was sanctioned by Faisalabad Development Authority, Faisalabad and it is learnt that public utility site measuring 01-Kanal, 08-Marla & 241-Sft. illegally constructed at site is confiscated by FDA, Faisalabad for further disposal under rule / policy. Moreover, during visit of different available sites in Faisalabad our staff has found the above said site as most suitable having easy approach and safety for establishment of office.

In this regard, it is submitted that the Director (Town Planning-II), FDA has reported that a site measuring 01-Kanal, 08-Marla & 241-Sft. in Heaven Habitat Housing Scheme, mutated in favour of FDA is available and the building is constructed at site which is confiscated by them.

The Director (Estate Management-I), FDA has further stated that at present around 40 such buildings/sites are awaiting disposal through auction and FDA has been facing difficulties in safeguarding them from encroachers. Although, as per rules / regulations land use of the public utility sites of the private housing scheme cannot be changed but in the larger public interest and to safeguard the site from the encroachers, the case is submitted before the House to consider the approval to rent out the site to the Federal Investigation Agency being the esteemed national organization for the time being at the monthly rent worked out by the Engineering Directorate of FDA alongwith 25% increase after every three years as has already been done in case of IB Office, Madina Town, Faisalabad. This will not only facilitate the FIA but will also be source of regular income for FDA.

The matter was discussed in detail. The Chairman BOG mentioned that we should keep in consideration that previously FIA administration at Peoples Colony office had placed barriers on the road for security purposes that caused discomfort for the residents.

DECISION:

The House after detailed discussion and considering the fact that Heaven Habitat Housing Scheme was launched in 1997 and the subject public site has remained long unutilized / disposed off, unanimously approved to rent out the site in Heaven Habitat measuring 01-Kanal, 08-Marla & 241-Sft. to FIA, Punjab Zone-II, Faisalabad for one year / till its disposal through auction under rule / policy. FIA will pay monthly rent according to existing formula (C&W / Building Department). If the building can still not be disposed off, the rent agreement is extendable subject to rent-increase according to existing Government policy. The rent agreement will clearly mention the specific condition that FIA management will not take any steps such as placement of barriers etc. that would cause suffering of the allottees / residents.

ITEM NO.14:

REMOVAL OF SHOPS AND GODOWNS UNDER NISHATABAD OVER HEAD BRIDGE, FAISALABAD.

The Director (Estate Management-I), FDA explained the House that Nishatabad Over had Bridge, Faisalabad was constructed by FDA to control the flow of traffic at Sheikhpura Road, Faisalabad and to facilitate the general public. After the construction of Nishatabad Over Had Bridge the shops were planned under the Nishatabad Over Head Bridge. These shops were disposed off through open auction on monthly rent basis. Later on, due to raising of the road levels almost half of the shops remain unused because they were almost buried and with the passage of time, infrastructure of half remaining shops has been destroyed due to zero repair and maintenance. Every now and then few left over shops got encroached and FDA has to take action very often.

The infrastructure of these shops is in very worst condition and required to be repaired. The huge expenditure is to be incurred for the repair of these shops comparatively received income as rent from these shops in very minute. Moreover, the general public does not show interest to get these shops on rent as the situation of these shops is not much fascinating due to its surrounding area.

It is therefore, proposed that all shops and godowns located under Nishatabad Over Head Bridge, Faisalabad may be removed and underground path

may be opened to facilitate the general public and Chief Engineer, DA may be requested to prepare the estimate for beautification at site with minimum possible expenditure.

DECISION:

The House after detailed discussion unanimously recommended to remove the Shops and Godowns under Nishatabad Over Head Bridge, Faisalabad and take steps for beautification of the site with minimum possible expenditures.

ITEM NO.15:

COMPENSATION AGAINST REDUCED AREA OF PLOTS OF FDA CITY HOUSING SCHEME, FAISALABAD.

The Director (Estate Management-II), FDA explained the House that during measurement by the Town Planning-I Directorate, FDA of a strip of 01-Kanal category plots of Block-A3 FDA City Housing Scheme, Faisalabad along with Samana Drain after completion of development work, it was found that the area of 36-Plots from Plot No.192 to 227 Block-A3 have been reduced and the allottees are stressing to provide them full size of plots. Being the genuine request, it is required to be redressed, the matter was placed vide Table Item No.3 in 98th meeting of Governing Body of FDA held on 28.05.2018. The House considered the request and unanimously approved the proposal as under:-

OFFER # 1:

To surrender existing allocated plot in favour of FDA and get alternate plot of 20-Marla at Block-A5/6 of FDA City Housing Scheme.

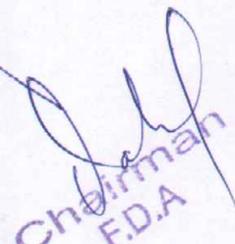
OFFER # 2:

To get payment of their balance area/ size of the allocated plot as per District Evaluation Table Rates for the year 2017-18 after clearness of entitlement.

OFFER # 3:

If the balance area is equal / above than 5-Marla than get one plot of 5-Marla in lieu of balance area of the existing plot at nearest location as per policy.

However, during pursuance of above policy guidelines, it was observed by the Competent Authority that offer No.3, creates complications because reduce area / less is diverse in all effected plots. As far as offer No.2 is concerned, it is more justified to only refund the deposited amount against reduced area of plot. Therefore, matter is placed bore the 110th meeting of Governing body FDA held on 05.12.2020 vide Agenda Item No.19(2) to review the decision in the interest of the Authority. The


Chairman
F.D.A

decision of the House was, "The House after detailed discussion unanimously approved the following compensation against less area of allocated plots:-

1. To compensate the original allottee / exemptee as per District Evaluation Rates for the year 2017-18 as decided in 98th BOG meeting held on 28.05.2018.
2. To compensate the subsequent purchaser @ Rs.64,000/- per marla as per approved policy / summary of Hon'ble Chief Minister Punjab.
3. If original allottee / exemptee or subsequent purchaser did not agree on the compensation they may surrendered their plot and get complete plot of their category at available site".

Whereas, in pursuance of the above approved guideline it has been observed by the Authority that the request of the affectees for compensation is genuine however, the compensation amount is huge in number and as the Authority is committed to complete the remaining development work then it seems more appropriate to compensate the affectees through allocation of plots against reduced area and where the reduced area is less than any category of plots and allocation is not adjustable then compensation amount may have to be sanctioned to resolve the issue.

DECISION:

The House after detailed discussion unanimously approved as under:-

1. To allocate plot/s of balance area in the available adjacent blocks.
2. If the balance area is less than 5-Marla, then compensate the allottee / exemptee as per District Evaluation Rates for the year 2017-18 as decided in 98th BOG meeting held on 28.05.2018.

ITEM NO.16:

ADOPTION OF SERVICE RULES OF TEPA, LAHORE FOR TEPA FDA FAISALABAD.

To rejuvenate Traffic Engineering & Transportation Planning Agency (TEPA) FDA, a business model has been got approved in 111th meeting of Governing Body of FDA held on 06.05.2021. The BOG approved to adopt the fees structure as per TEPA, Lahore model and replicate it for TEPA, FDA. This fee structure would enable TEPA to generate its own revenues and become a sustainable Agency better able to perform for betterment of Faisalabad as per vision of Government of Punjab.

Chairman
F.D.A

Moreover, Administrative Department, Lahore case has already been requested for seeking approval / permission to undertake recruitment against SNE approved 104-vacant slots from BS-1 to BS-19 in TEPA, FDA Faisalabad in relaxation of ban on new recruitments from Hon'ble Chief Minister Punjab.

Therefore, the case is placed before the House for consideration and approval to adopt organizational structure and service regulations of LDA / TEPA, Lahore in the best interest of Agency.

DECISION:

The House after detailed discussion unanimously approved to adopt Service Regulations of LDA / TEPA, Lahore in TEPA, FDA for recruitment against approved SNE 104-posts in the best interest of Agency.

ITEM NO.17:

RATIONALIZATION / REVISION OF ILLEGAL DEVELOPMENT PENALTY ON PRIVATE HOUSING SCHEMES

The Director (Town Planning-II), FDA explained the House that as per notification No.1482/TP-II/FDA-2018 dated 22.12.2018 published in the Punjab Gazette, illegal development charges are obtained from developers for carrying out development before final approval, which contributes towards revenue generation of the department.

Different applications have been received from Developers stating to reduce the penalty for illegal development to Rs.5000 per kanal and revised as following:-

- I. Rs 650 per day till the default continues in respect of land having an area upto 50 kanal.
- II. Rs.1300 per day till the default continues in respect of land having an area more than 50 kanal to 100 kanal.
- III. Rs.2500 per day till the default continues in respect of land having an area more than 100 kanal to 150 kanal.
- IV. Rs 3750 per day till the default continues in respect of land having an area more than 150 kanal to 300 kanal.
- V. All other fees/ fines shall remain as per above mentioned notification.

At present the Governing Body FDA in its 100th meeting held on 26.11.2018 has approved the following penalty for illegal development of private housing schemes:-

- a) Rs.3750/- per day till the default continues in respect of scheme having area upto 300 kanal.
- b) Rs.7500/- per day till the default continues in respect of scheme having area above 300 Kanal to 500 Kanal.
- c) Rs.10,500/- per day till the default continues in respect of scheme having area above 500 Kanal to 1000 Kanal.
- d) Rs.15,000/- per day till the default continues in respect of scheme having area above 1000 Kanal.
- e) Rs.15,000/- per Kanal if the development works carried out before 2015.

However, Punjab Private Housing schemes and Land Sub-Division Rules 2021 have been framed after approval of BOG in its 109th meeting. The same was submitted for approval before the Provincial Cabinet it includes imposition of the following development penalty bars / slabs:-

- a. Rs.5000 per day till the default continues in respect of the scheme having an area up to 300 Kanal.
- b. Rs.10000 per day till the default continues in respect of the scheme having an area more than 300 kanal but upto 500 kanal.
- c. Rs.15000 per day till the default continues in respect of the scheme having an area more than 500 kanal but upto 1000 kanal.
- d. Rs. 20000 per day till the default continues in respect of the scheme having an area more than 1000 kanal.

If the request of developer is accepted, it will have huge financial implications. For example illegal development penalty of private housing scheme "Johar Town" Chak No.243/RB @ 3750/- per day upto 300 Kanal is Rs.7207500/- whereas if the rate is revised as proposed above, illegal development penalty will be only Rs.4805000/-. Since the revision of fee shall be applicable to many other housing schemes as well, therefore on the whole, it will have huge financial implications for the department. On the other hand, the requested penalty bars / slabs may help the developers of small housing schemes and encourage them for regularization of their housing schemes.

The Director (Town Planning-II), FDA further briefed the House about the present and proposed options for slabs of illegal development charges against developers of small housing schemes. The House deliberated on the issue of rationalization of slabs in the light of financial implications of different slabs and the fact that the policy / slabs for illegal development charges adopted in 100th meeting actually caused financial losses to FDA because many developers of small housing schemes found these slabs to be unjust and discriminatory against them and in

favour of larger housing schemes falling in the same broad slab, and hence they refrained from getting their schemes approved. Therefore, there is need to rationalize the slabs for optimum benefit and in best interest of the Authority.

DECISION:

The House unanimously approved to rationalize the slabs to the extent of small housing schemes at the following rates strictly until the new proposed rules i.e. Punjab Private Housing Scheme and Land Sub Division Rules, 2021 are received / notified subject to provision of indemnity bond / affidavit that it will be conditional dispensation and the developers shall be bound to pay the difference of amount if the new slabs result in any legal implication or audit observation.

- I. ***Rs.650/- per day till the default continues in respect of land having an area upto 50 kanal.***
- II. ***Rs.1300/- per day till the default continues in respect of land having an area more than 50 kanal to 100 kanal.***
- III. ***Rs.2500/- per day till the default continues in respect of land having an area more than 100 kanal to 150 kanal.***
- IV. ***Rs.3750/- per day till the default continues in respect of land having an area more than 150 kanal to 300 kanal.***
- V. ***All other fees/ fines shall remain as per above mentioned notification.***

Further, the House approved that since huge financial implications are involved, therefore, advice from Finance Department through Administrative Department, Lahore may be sought to avoid any legal / audit complications.

ITEM NO.18:

THE FAISALABAD LAWYERS CO-OPERATIVE HOUSING SOCIETY-II CHAK NO.208/RB, FAISALABAD (TOTAL AREA 984.50 KANAL)

The Director (Town Planning-II), FDA explained the House that the subject scheme was granted approval of Layout plan on 09.12.2011 vide letter No. 816/E&DC/FDA. Now society has applied in this office for final sanction. The illegal development fee amounting to be Rs.14,767,500/- have to be deposited before final sanction. The society now submitted an application stating that the land for the scheme was granted by Govt. of Punjab and executed on "no profit no loss" and also there is no source of earning for the scheme so that's why society can't afford the illegal development charges imposed by FDA so these charges may please be waive off and grant final sanction so the basic facilities may be provided. As per notification by Faisalabad Development Authority vide No.1482/TP-II/FDA-2018 dated

22.12.2018, the fees were revised including illegal development fee which is Rs.15000/- per Kanal for the schemes in which developments works carried out before 2015.

The President of The Lawyers Co-Operative Housing Society submitted application with the request to put the case for waving of illegal development penalty of subject society in next BOG meeting.

In this regards, it is stated that layout plan of the scheme was approved on 09.12.2011. The society was directed to fulfill the pre requisites for sanction of scheme but they carried out illegal development prior to the sanction. As per rules, no development can be undertaken before sanction of scheme. The authority undertook actions such as notice, registry ban, services ban, advertisement in newspaper. Furthermore, society has carried out illegal development before final approval so illegal development penalty @ 15000/- per kanal as per notified vide No. 1482/TP-II/FDA-2018 dated 22.12.2018 amounting to be Rs.14,767,500/- has to be paid before sanction.

If their request is accepted, it would help regularize the development work carried out in the said housing scheme. On the other hand, if the illegal development penalty is waived off, it has huge financial implications and will incur a loss of Rs.14,767,500/- to the Government exchequer.

The House was of the view that since huge financial implications are involved in case this waiver is granted, first an advice from HUD & PHE and Finance Department Government of the Punjab may be sought especially considering the fact that the Housing Society has already gained a lot of benefits.

DECISION:

The House unanimously approved to initiate a Summary for Chief Minister for waiver of illegal development charges / penalty of Faisalabad Lawyers Co-operative Housing Society-II, Chak No. 208/RB, Faisalabad. However, since financial implications are involved, an advice may be sought from Finance Department on the subject to incorporate the rules under which such waiver may be granted.

ITEM NO.19:

THE FAISALABAD LAWYERS CO-OPERATIVE HOUSING SOCIETY-I CHAK NO.198/RB FAISALABAD (TOTAL AREA 526.60 KANAL)

The Director (Town Planning-II), FDA explained the House that the subject scheme was granted approval of Layout plan on 02.04.2012 vide letter No. 128/E&DC/FDA-12. Now society has applied in this office for final sanction. The illegal development fee amounting to be Rs.7,899,000/- have to be deposited before final sanction. The society now submitted an application stating that the land for the scheme was granted by Govt. of Punjab and executed on "no profit no loss" and also there is no source of earning for the scheme so that's why society can't afford the illegal development charges imposed by FDA so these charges may please be waive off and grant final sanction so the basic facilities may be provided. As per notification by Faisalabad Development Authority vide No.1482/TP-II/FDA-2018 dated 22.12.2018, the fees were revised including illegal development fee which is Rs.15000/- per Kanal for the schemes in which developments works carried out before 2015.

The President of The Lawyers Co-Operative Housing Society submitted application with the request to put the case of subject society in next BOG meeting.

In this regard, it is stated that layout plan of the scheme was approved on 02.04.2012. The society was directed to fulfill the pre requisites for sanction of scheme but they carried out illegal development prior to the sanction. As per rules, no development can be undertaken before sanction of scheme. The authority undertook actions such as notice, registry ban, services ban, advertisement in newspaper. Furthermore, society has carried out illegal development before final approval so illegal development penalty @ 15000/- per kanal as per notified vide No. 1482/TP-II/FDA-2018 dated 22.12.2018 amounting to be Rs.7,899,000/- has to be paid before sanction.

If their request is accepted, it would help regularize the development work carried out in the said housing scheme. On the other hand, if the illegal development penalty is waived off, it has huge financial implications and will incur a loss of Rs.14,767,500/- to the Government exchequer.

The House was of the view that since huge financial implications are involved in case this waiver is granted, first an advice from HUD & PHE and Finance Department Government of the Punjab may be sought especially considering the fact that the Housing Society has already gained a lot of benefits.

DECISION:

The House unanimously approved to initiate a Summary for Chief Minister for waiver of illegal development charges / penalty of Faisalabad Lawyers Co-operative Housing Society-I, Chak No. 198/RB, Faisalabad. However, since financial implications are involved, an advice may be sought from Finance Department on the subject to incorporate the rules under which such waiver may be granted.

WASA

ITEM NO.20:

EXCLUSION OF NON-RECOVERABLE ARREARS (BAD DEBTS) OF SIDHU PURA AREA

The Managing Director, WASA explained the House that reference is made to Govt. of the Punjab, HUD & PHED, circular regarding rationalization of water tariff for financial sustainability of WASA's of Punjab - Issue of Huge Arrears vide No.SO(UD)1-9/2019 dated 15.02.2021 whereby all WASAs have been advised to identify untraceable consumer properties and refer them to the Governing Bodies for decision to exclude the Non-recoverable Arrears (Bad Debts).

Subsequently, all revenue sub-divisions were assigned the task for identification of such untraceable consumers and submitting a report alongwith certificate of concerned Officers regarding non-traceability of consumers properties and their relevant particulars with arrear amount. In this regard, a report from G.M.Abad sub-Division has been received for the area of Sidhu Pura, according to which 462-No. consumers (out of 601) properties are marked as untraceable with their water supply arrear amount of Rs.14,579,692. The area in question was unplanned and consumers of this area were provided water supply bills many years ago. Being an unplanned area, only consumer name and some nearby identification marking was recorded/registered at the time of survey in 1993. However, with the passage of time, consumers of these areas denied to receive WASA bills with the contention that requisite bill having limited particulars/addresses does not belong to their property and resultantly arrears remained piling up every month in each billing cycle.

Accordingly, in the light of recently received directions of the government a fresh survey report of untraceable accounts related to Sidhu Pura area (462 No.) is presented before the Governing Body to seek the approval for stoppage of billing and exclusion of bad debts of Rs.14,579,692/-, besides permission to take legal action in case of remaining traceable known bills against consumers who refuse or are resistant to pay bills. For rest of the un-billed properties of Sidhu Pura, permission may also be accorded to carryout billing on the basis of new GIS-based survey with exact addresses and property locations, for water and sewerage services.

DECISION:

The House after detailed deliberation agreed with the proposal in principle. However, it was decided that in the first phase, the current billing of 462-untraceable accounts should be stopped immediately and new demand notices should be issued based on the newly conducted GIS-based survey to start afresh billing against these 462-connections. Recovery against 139-know connections be pursued as per law. Thereafter, the case may again be placed before Governing Body of FDA for exclusion of untraceable / unrecoverable arrears as per Government instructions.

The House further stressed to recover water and sewerage charges from Sidhu Pura and directed WASA Faisalabad to disconnect the services of units / streets invariably in case of non-payment.

ITEM NO.21:

REGULARIZATION OF AQUIFER RATE CHARGED TO APTPMA UNITS

The Managing Director, WASA explained the House that as per WASA, Faisalabad approved tariff dated 21.10.2016, the aquifer rates applicable w.e.f 21/10/2016 are as under:-

| S.No | Units/factories etc. (per Cusec/per Month) | Rate (per Cusec) |
|------|--|------------------|
| i | Industrial Units which are getting water through tubewell (Rate will be charged accordingly to the discharged size of the tubewell/pumps motors etc. | Rs.19320/- |
| ii | Textile processing and Hosiery units getting water through tubewell/pumps motors etc. | Rs.13000/- |

Accordingly, the aquifer rate to APTPMA units was charged at Rs.13,000/- per cusec w.e.f. October 2016 (previous rate being 10,465/- per cusec).

Chairman
F.D.A

However, in view of the weak financial health of WASA, Faisalabad, the said rate was enhanced to Rs.19,320/- per cusec w.e.f August 2017. APTPMA contested the said rate increase and their Industrial units stopped bill payments on the new aquifer rate. Eventually, an agreement was reached between WASA, Faisalabad and APTPMA in a meeting dated 08.09.2018 whereby the latter agreed on payment of aquifer charges @Rs.19,320/- per cusec w.e.f. 01.10.2018.

In 2019-20 audit framed an observation that the rate Rs.19,320/- per cusec should have been charged w.e.f October 2016 i.e. the date of approval of tariff instead of October 2018, and that charging of Rs.13,000/- per cusec to APTPMA units during intervening period from October 2016 to October 2018 resulted in loss amounting to Rs.11.74 million. It was explained to audit that since as per approved tariff, the actual aquifer rate applicable to APTPMA units (being Textile and Hosiery units) was Rs.13000/- and rate enhancement upto Rs.19320/- (regardless of the date of applicability) was only done in the interest of the agency to boost its revenue collection. However, in the SDAC meeting dated 21.09.2020, audit referred the matter to Governing Body of FDA for decision on the matter.

The gist of the matter is that application of aquifer rate of Rs.19,320/- w.e.f. 01.10.2018 after negotiation with APTPMA resulted in additional revenue to WASA, Faisalabad but as per approved tariff; the agency was never under obligation to apply the same rate w.e.f October 2016. Hence, the purported loss of Rs.11.74 million is not a loss at all, but was rather declared as such by audit due to some misconception / miscommunication.

The case is accordingly placed before the Governing Body of FDA to regularize the charging of aquifer tariff rate of Rs.19320/- per cusec to APTPMA units w.e.f 01.10.2018 and to respond to audit accordingly.

DECISION:

The House after detailed deliberation unanimously decided to regularize the charging of aquifer tariff rate Rs.19320/- per cusec to APTPMA units w.e.f. 01.10.2018 as there was no financial loss involved, and further directed WASA, Faisalabad to respond to audit accordingly.

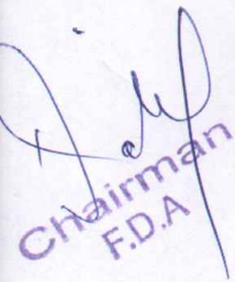
ITEM NO.22:

WAVIER OF 12 MONTHS PENALTY FOR WALK-IN WASA DOMESTIC CUSTOMERS FOR REGULARIZATION OF ILLEGAL WATER/SEWERAGE CONNECTIONS

The Managing Director, WASA explained the House that WASA Revenue directorates are rendering the duties of collection of bills from the consumers throughout the city by executing its billing section, processing of payment scrolls through finance directorate, acquiring the services of third party private company for bill distribution and collection of bill payments by various banks, online franchises as well as NADRA Kiosks Centers.

As the city area is expanding, similarly the services of WASA Faisalabad are being utilized in newly developed area. At the same time consumers are partitioning their properties and getting separate water supply and sewerage connections at divided properties. The establishment of new colonies and division of properties is a continuous phenomena and field staff of revenue directorate has to perform the re-surveys of areas throughout the city frequently to bring illegal connections into billing network. Presently, there are around 3 lakh domestic consumers registered with WASA but only 55-No. Assistant Field Inspectors are available with the department to visit the areas of the city for regularization of potential illegal consumers and recovery of outstanding arrears from the defaulters. Due to scarcity of field staff regularization of illegal consumers is a time consuming job, whereas, the operating expenditures of the department has increased manifolds since 2006. So, to boost up the recovery and current revenue demand there is a need to regularize illegal consumers at high pace.

Accordingly, to curb the number of illegal WASA consumers and to enhance the revenue recovery, it is proposed that a rebate/incentive base offer may be introduced for the public. In this regard waiver of 12-months penalty in demand notice for regularization of illegal services is proposed to be offered to all walk-in-consumers till 30th September 2021. At the same time legal action is also proposed against regularization of illegal consumers as well as fine according to approved tariff after 30th September 2021.


Chairman
F.D.A

DECISION:

The House unanimously decided to offer an incentive to illegal / unauthorized domestic consumers by allowing waiver of 12-months penalty in demand notices who will voluntarily get their connections regularized with WASA. However, this offer shall be valid till 31st December, 2021. The House further directed the Agency to give wide publicity to the offer through electronic and print media.

ITEM NO.23:

WORKING PAPER FOR HIRING OF RECRUITMENT FIRM FOR PROVISION OF WORKMEN IN WATER & SANITATION AGENCY, FDA, FAISALABAD.

The matter was presented before the House, however it was kept pending for further scrutiny and deliberation by WASA Faisalabad.

TABLE ITEMS

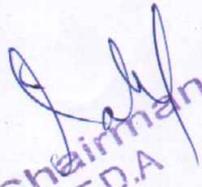
TABLE ITEM NO.01.

WORKING PAPER REGARDING WRIT PETITION NO.30840/2021 TITLED AS SHAHID IQBAL V/S WASA ETC.

The Managing Director, WASA explained the House that Mr. Shahid Iqbal Gill has filed a writ petition before Lahore High Court, Lahore vide writ petition No.30840/2021 wherein he has shown grievances upon his regularization in BS-17 in the light of the decision of 91st Governing Body FDA meeting. Hon'ble Judge has given following directions to the respondent No.03, the Director General FDA:-

"The request of learned counsel for the petitioner appears to be reasonable and not opposed by the learned Law officer. Respondent No.3 is directed to place the Working papers in case of the petitioner in the next meeting of the Governing Body of respondent WASA. Faisalabad which shall consider the case of the petitioner in accordance with Law while addressing the issue of discrimination, under intimation to the Deputy Registrar (Judicial) of this Court."

In compliance to the instructions of Honorable Lahore High Court Lahore, the Director General FDA has directed vide Movement No.ADG/1966 dated 29.05.2021 to put before BOG with complete background for further orders and thereafter vide letter No.Admn/1317/FDA-2021 dated 26.06.2021 requested to prepare working paper and place before BOG FDA to avoid any legal complications.


Chairman
F.D.A

Brief of the case is as under:-

Mr. Shahid Iqbal Gill was initially appointed as Deputy Director (Tech) in BS-18 on contract basis against project post of the project "Extension of Water Resources for Faisalabad City Phase-I (French Funded)" w.e.f 01.11.2011. His contract appointment got extended from time to time. In 2015, the Governing Body of FDA made a decision to regularize the services of project employees subject to the condition that the project employees working on contract basis in BS-18 will be given an option either to keep their services on contract basis or for appointment on regular basis against regular sanctioned posts of BS-17 under and in accordance with the rules / regulation / policy.

The decision of the house on the agenda item No.15 is reproduced as under:-

"The House after detailed discussion approved the proposal on the pattern of LDA, Lahore and constituted a Committee comprising the following officers to scrutinize the cases of contract employees appointed against project posts and covert the posts into regular budgetary posts upto BS-17. The Committee will scrutinize the cases on the pattern of LDA, Lahore and will submit its recommendations to the Appointing Authority to issue orders to regularize the services of contract employees. The Authority will give option to the contract employees of BS-18 either to keep their services on contract basis or for appointment on regular basis against regular sanctioned posts of BS-17 under and in accordance with the rules / regulation / policy."

Accordingly, Mr. Shahid Iqbal Gill was given the option vide letter dated 16.06.2015. In response to which he gave on un-conditional consent for regularization of service in BS-17 as per decision of Governing Body of FDA vide his letter received on 28.06.2015, wherein he stated that he is agreed to be regularized in BS-17. However his regularization could not be materialized at that time due to the following reasons:-

- i) A proposed Draft Para No.8 for the year 2015-16 proclaiming the appointment of Mr. Shahid Iqbal Gill as irregular.
- ii) Pending decision on a Show Cause Notice vide No.1266/MD dated 04.09.2012.

After the settlement of both Show Cause Notice and Draft Para, he was accordingly regularized in service against initial recruitment budgetary post of Assistant Director (Technical) in BS-17 w.e.f 18.06.2015 i.e. the same date from which other project employees of his cadre were regularized.

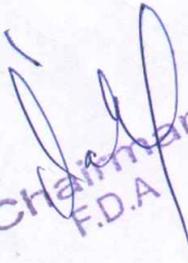

Chairman
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He has however requested for review of decision by Governing Body of FDA in the prayer of writ petition requesting that he may be reconsidered for regularization against the equivalent budgetary post against which he was initially appointed i.e. as Deputy Director (Technical) in BS-18. In this regard, following aspects need to be kept in view:-

- i) The officer with his own will un-equivocally accepted / consented for regularization as Assistant Director (Tech) in BS-17 as evident from his memo received on 28.06.2015 otherwise he could have continued as Deputy Director (Tech) in BS-18 on contract basis against project post.
- ii) As per WASA service regulations, all budgetary posts of Deputy Director (Technical), BS-18 are of promotion quota and none of them is reserved / vacant or available for initial recruitment. Whereas, as per regularization policy the services of contract employees can only be regularized against initial recruitment posts.
- iii) Furthermore the French Funded Project Phase-I has been completed since long and in case, if said officer would have continued his services in the capacity of Deputy Director (Tech/Project) on contract basis in BS-18 he might have lost his job on the completion of project functionality.
- iv) The post of Deputy Director (Technical) is a promotion post throughout the Punjab and it has been notified vide No. SOR-III(S&GAD)1-7/2004(P) dated 16.03.2013.
- v) Although the Governing Body of FDA vide its policy decision made in 2015 had regularized the services of WASA project employees, which was indeed a gratification to the project employees of WASA Faisalabad, because said policy decision was made due to acute shortage of staff in the agency. However, no such exemplification is available in others departments of Government of Punjab.
- vi) Project posts are advertised and filled according to the requirement of the project while budgetary posts are to be filled strictly in accordance with the rules/laws/regulations.

Despite the above facts, it must also not be forgotten that the claim of the applicant pertains to review of the decision made by Governing Body in 2015 i.e before the enactment / adoption of Punjab Regularization of Service Act, 2018.

The case was accordingly placed before the BOG, FDA to reject the request of petitioner i.e. Mr. Shahid Iqbal Gill, Deputy Director (Tech.), WASA being against the FDA (Appointment & Conditions of Service) Regulations, 1990 and respond the court orders accordingly in the light of facts/reasons/laws/regulations mentioned above.


Chairman
F.D.A

DECISION:

The House deliberated on the hardship faced by the petitioner as well as the court orders to decide the petition strictly under rules / policy as well as the earlier decision made in 91st meeting, unanimously decided to seek advice from Administrative Department / Regulation Wing S&GA Department before finally deciding the representation of petitioner Mr. Shahid Iqbal Gill, Assistant Director (Tech), WASA in accordance with WASA, FDA Service Regulations, 1990.

TABLE ITEM NO.02

REGULARIZATION OF M/S. MUHAMMAD ALI EX-DEPUTY DIRECTOR(TECH), SAEED AHMAD AND TASAWAR SHAHZAD, SUB-ENGINEERS BS-11 (RECRUITED ON CONTRACT BASIS AGAINST WASA PROJECTS BEFORE COMMENCEMENT OF PUNJAB REGULARIZATION OF SERVICES ACT 2018)

The Managing Director, WASA explained the House in pursuance of the Punjab Government Directions for regularization of Contract employees (BS-1 to 15, BS-16 and above) working paper for regularization of contract employees recruited against project posts was prepared and placed in the 91st meeting of the Governing Body of FDA held on 21.05.2015 and the regularization was approved by the Governing Body subject to the recommendations of the below mentioned Committee members. The decision of the house on the agenda item No.15 is reproduced as under:-

"The House after detailed discussion approved the proposal on the pattern of LDA, Lahore and constituted a Committee comprising the following officers to scrutinize the cases of contract employees appointed against project posts and covert the posts into regular budgetary posts upto BS-17. The Committee will scrutinize the cases on the pattern of LDA, Lahore and will submit its recommendations to the Appointing Authority to issue orders to regularize the services of contract employees. The Authority will give option to the contract employees of BS-18 either to keep their services on contract basis or for appointment on regular basis against regular sanctioned posts of BS-17 under and in accordance with the rules / regulation / policy."

- | | |
|---|-----------|
| 1. Haji Muhammad Ilyas Ansari, MPA Faisalabad | In Chair |
| 2. Mian Irfan Ahmad, Vice Chairman, WASA | Member |
| 3. Managing Director, WASA | Convener |
| 4. Deputy Managing Director (F&R), WASA | Member |
| 5. Director (Admn), WASA | Secretary |
| 6. Director (Finance), WASA | Member |
| 7. Representative of HUD & PHED, Lahore | Member |
| 8. DO (HRM), DCO Office, Faisalabad. | Member |


Chairman
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The above mentioned Scrutiny Committee forwarded its recommendations to the Competent Authority and the Competent Authority regularize the services of contract appointees (appointed against project posts subsequently converted into budgetary pots) order issued vide No.1212-1220/Admn/WASA/FDA/2015, dated 18.06.2015.

The skilled staff which was regularized consists of Database Administrators (BS-17), Sub-Engineers (BS-11) and GIS Analyst (BS-17) all the staff which was recruited against the various projects has been converted into budgetary posts and regularized thereafter except only two Sub-Engineers namely M/s. Saeed Ahmad and Tasawar Shahzad and (01) Deputy Director (Tech) Mr. Muhammad Ali, whom cases were not considered due to following list of all employee with project name detail reasons:-

- i) 91st BOG meeting was held on 21/05/2015 at the time when contract of Mr. Saeed Ahmad was expired and it was renewed after BOG meeting hence his case for regularization was not considered at that time while his all batch mates were regularized.
- ii) An enquiry was under process against Mr. Tasawar Shehzad Sub-Engineer BS-11; at the time of 91st BOG meeting therefore his case was not placed before BOG meeting resultantly his all batch-mates get regularized however his case was not considered.
- iii) As per decision of Governing Body meeting an option was to be given to the contract employees of BS-18 either they want to continue their service in BS-18 on contract basis or they want to be regularized against (BS-17). Accordingly Mr. Muhammad Ali was asked, however he opted to continue his service on contract basis in BS-18. Services of his batch-mates were regularized who opted for regularization in BS-17 however; his case was not considered by regularization committee at that time.

Regularization of aforementioned employees cannot be materialized till to date because of the following reasons:-

- a. Regularization committee constituted by 91st BOG meeting (mentioned at para 1/N) has become defunct due to charge relinquishment of the parliamentarians nominated "by name" in the committee.
- b. The Governing Body of FDA in its 106th meeting has adopted Punjab Regularization of services Act, 2018 (which is not applicable to these employees because they were recruited before the commencement of this act).
- c. Governing body of FDA is empowered for appointment of officers and employees under section 9 of Punjab Development of Cities Act, 1976 which speaks as under:-

Furthermore the matter needs to be examined on humanitarian grounds and hardship basis in order to save the aforementioned employees from financial constraints.

Brief history / service profile of these employees is given as under:-

1. **MR. SAEED AHMAD, SUB-ENGINEER (BS-11)**

Mr. Saeed Ahmad S/O Muhammad Yousaf was appointed on work charge basis on 15.01.1986 vide No.1526-28/Admn/WASA/88 dated 06.04.1988 and further his services were regularized as Pump Operator-III (BS-02) w.e.f. 03.10.1987. Project posts were advertised in WASA Faisalabad in 2007. Mr. Saeed Ahmad S/O Muhammad Yousaf having requisite qualification applied against the post of Sub-Engineer (BS-11) and accordingly he was selected as Sub-Engineer. At the time of 91st BOG meeting, Contract period of Mr.Saeed Ahmad was expired and it was not renewed by the Competent Authority due to an ongoing enquiry at that time in which he was exonerated later on, therefore name of Mr. Saeed could not place before BOG inspite of the fact that he was (is) eligible for regularization on the basis of following grounds:-

- i. He possesses the requisite qualification for the post of Sub-Engineer and his certificates have been verified through all forums.
- ii. He was working against the project post since 2007.
- iii. His all batch-mates were regularized. Contract period of Mr. Saeed Ahmad has been extended from time to time w.e.f. 11.12.2007 to till date. It will be appropriate to regularize his service with effect from the date of regularization of his batch-mates.

2. **MR. TASAWAR SHAHZAD, SUB-ENGINEER (BS-11)**

Mr. Tasawar Shehzad S/O Anwar Masih, was appointed as Sub-Engineer (BS-11) on contract basis against WASA Faisalabad Project FFP Phase-I on 27.10.2011, vide this offer letter No.3797/Admn/WASA/FDA/2011 dated 27.10.2011 and accordingly he joined duty as Sub-Engineer (BS-11) against WASA Projects on 14.11.2011 vide No.6519/DA dated 14.11.2011. At the time of 91st BOG meeting an enquiry was being conducted against Mr. Tasawar Shehzad therefore his case was not placed before BOG regularization however he was (is) eligible for regularization on the basis of following grounds:-

- i. As a result of inquiry Competent Authority imposed a minor penalty of "Censure" upon him which does not debar the incumbent from any service benefit.

- ii. He possesses the requisite qualification for the post of Sub-Engineer and his certificates have been verified through all forums.
- iii. His all batch-mates have been regularized according to the decision of 91st BOG meeting. Contract period of Mr. Tasawar Shehzad has been extended from time to time w.e.f. 27-10-2011 to till date. It will be appropriate to regularize his service with effect from the date of regularization of his batch-mates.

3. **MR. MUHAMMAD ALI, EX-DEPUTY DIRECTOR (BS-18)**

Mr. Muhammad Ali was appointed as Deputy Director (Tech) BS-18 under PMU (French Funded Project) on contract basis for period of 2 years on 28.02.2012. He submitted joining report on 02.03.2012. On expiry of contract period extension in contract period was granted to him time to time uptill 31.12.2019:-

- 1) He submitted unconditional acceptance on for getting regularized as per offer prescribed by the department / Governing Body of FDA.
- 2) His case was preceded for regularization of service to Managing Director WASA / Competent Authority for appropriate orders. On the instructions of Managing Director WASA case was referred to Legal Advisor WASA on 06.03.2019 for seeking legal opinion whether the matter should be dealt as per Punjab Regularization of Service Act 2018 or as per policy formulated by BOG of FDA in its 91st meeting.
- 3) The Legal Advisor WASA has given opinion on 05.04.2019 as under:-
"I have gone through the record particularly Para 332/N of this file and found that answer of both the questions pointed out vide Para above are very simple as firstly the officer /applicant is entitled for the same relief granted to his batch-mate being on identical and similar issue, secondly it may be treated under the same policy at that time which was applicable in the case of his batch-mate because the matter in issue is prior to the newly promulgated regularization Act 2018. May proceed accordingly under the law please".
- 4) The Managing Director WASA / Competent Authority on receipt of legal opinion of Legal Advisor WASA and due to representation of Assistant Directors (Tech) against the seniority list of AD (Tech) granted extension in his contract period for 6 months upto 30.06.2019.
- 5) In view of this situation his services could not be regularized being project employee, and he stood relieved for WASA Faisalabad w.e.f 31.12.2019 (i.e. the last contract expiry date) vide letter No.775/DDA/WASA/2020 dated 15.07.2020 as the project against which he was appointed also stands expired / completed.
- 6) Feeling aggrieved, the applicant has filed a Writ Petition No 36631/2020 in the Lahore High Court, Lahore. Thereupon, the Honorable Court passed an order dated 19.08.2020, the operative part of which is reproduced hereunder:-

Chairman
F.D.A

"In view of the above, a copy of this writ petition along with all the annexures be remitted to the respondent No.1 who will treat it as a representation of the petitioner and decide the same after providing him proper hearing, strictly in accordance with the Punjab regularization of Service Act, 2018 and in the light of the aforesaid judgment, through a speaking order, within a period of one month from the receipt of certified copy of this order Disposed of."

7) In compliance with the directions of Honorable Lahore High Court Lahore the Director General, FDA being Respondent No.1 called the petitioner for a personal hearing on 24.09.2020, and he was heard at length. In his defence petitioner he stated that as he was appointed before the commencement of Punjab Regularization Act, 2018 and his other batch mates / project employees have been regularized in the light of the decision of Governing Body, hence his case may also be treated on the same lines / pattern.

8) Following committee was constituted to decide the writ petition of Mr. Muhammad Ali V/s. FDA etc. The Director General FDA vide his order dated 07.11.2020:-

| | |
|--|----------|
| 1. Additional Director General FDA | Convener |
| 2. Managing Director, WASA | Member |
| 3. Chief Engineer, FDA | Member |
| 4. Deputy Managing Director (Services), WASA | Member |
| 5. Director (Finance), FDA | Member |
| 6. Director (Admn), WASA | Member |
| 7. Deputy Director (Legal), WASA, FDA | Member |

9) The Director General FDA vide No.873/DG/FDA-2020 dated 26.11.2020 decided the matter and case was placed before 110th BOG meeting vide table item No.4 wherein following committee was constituted:-

| | |
|--|----------|
| 1. Additional Director General FDA | Convener |
| 2. Mian Yasir Anwar, Tech Expert | Member |
| 3. Mrs. Firdous Rahna, Member BOG | Member |
| 4. Mr. Nasir Mehmood, Member BOG | Member |
| 5. Director (Admn), WASA, FDA | Member |
| 6. Rep. of Secretary, HUD & PHE Deptt. | Member |
| 7. Deputy Director (Admn & Legal), FDA | Member |

10) The Director General FDA has decided the matter, notified vide No.Admn/1372/FDA-2021 dated 30.06.2021 as Under:-

I am inclined to place the case of Mr. Muhammad Ali before the Governing Body, FDA for further decision with respect to the following:-

(1) Extension in the contract appointment of Mr. Muhammad Ali, as Deputy Director (Tech/BS-18) since 01-01-2020.

OR

(2) Termination of the services of Mr. Muhammad Ali as no further extension was granted to him.


Chairman
F.D.A

In the light of directions of Honorable Lahore High Court, Lahore, keeping in view of the facts of the case, proceedings of personal hearing, after examination of records and decision of the Director General FDA it is proposed that:-

"The services of Mr. Muhammad Ali may be regularized as Assistant Director (Tech/BS-17) against budgetary post w.e.f 19.01.2018(the date on which unconditional acceptance for regularization of services in BS-17 was provided by him) on the same pattern when the colleague of his batch Mr. Shahid Iqbal Gill was regularized in the light of decision of the 91st Governing Body of FDA meeting."

AND

"The disciplinary proceedings against the officials M/s. Tasawar Shehzad and Saeed Ahmad, Sub. Engineer have been finalized and no pending inquiries against them. The (diploma) DAE Certificate of Mr. Saeed Ahmad and Mr. Tasawar Shehzad, Sub-Engineer has also been verified / attested from the Technical Board Lahore and found correct as per record. Hence all the prerequisites on account of regularization have been complied with and they are eligible for regularization w.e.f 18.06.2015 (the date on which all other project appointees were regularized)".

Case is placed before the Governing Body of FDA to decide the cases of above mentioned employees as under:-

- i) To regularize the services of Mr. Muhammad Ali as Assistant Director (Tech) w.e.f 19.01.2018 (the date on which unconditional acceptance for regularization of services in BS-17 was provided by him).
- ii) To regularize the services of Mr. Saeed Ahmad & Mr. Tasawar Shehzad Sub-engineer w.e.f. 18.06.2015 (the date on which all other project appointees were regularized).

DECISION:

The House deliberated on the issue of M/s. Muhammad Ali, Deputy Director (Tech.) Saeed Ahmad & Tasawar Shahzad, Sub Engineers, WASA and unanimously decided to seek advice from Administrative Department / Regulation Wing S&GA Department in accordance with WASA, FDA Service Regulations, 1990.

TABLE ITEM NO.03.

ENHANCEMENT OF 20% PROMOTION QUOTA FOR CLASS-IV EMPLOYEES to 50% ON THE ANALOGY OF PHA, FAISALABAD.

The Additional Director General, FDA explained the House that Government of Punjab has fixed 20% quota for promotion of Class-IV employees having qualification Matric with 25 w.p.m in type writing with 3-years regular service vide notification No.SOR-III(S&GAD)2-28/90 dated 01.06.1990. Accordingly, FDA adopted / implemented the notification in its true letter and spirit.


Chairman
F.D.A

Now, President, UD.Wing Employees Union, FDA has requested to enhance the above said promotion quota from 20% to 50% on the analogy of Parks & Horticulture Authority, Faisalabad whereas Government has not enhance any percentage.

DECISION:

The House after detailed discussion unanimously approved to seek advice from Administrative Department / S&GA Department regarding enhancement of 20% to 50% promotion quota for Class-IV employees in FDA.

TABLE ITEM NO.04.

**REQUEST FOR PAY PROTECTION OF CONTRACT EMPLOYEES
ALREADY REGULARIZED AND PLACED AT INITIAL STAGE OF
FDA.**

The Additional Director General, FDA explained the House that officers / officials of UD.Wing, FDA were appointed on contract basis in 2007 & 2010 etc. under Contract Appointment Policy, 2004 after fulfillment of codal formalities against regular budgetary sanctioned posts. Thereafter, the services of officers / officials were regularized with immediate effect in 2015 and their pay was fixed at the initial stage of the pay scale. Now, the August Supreme Court of Pakistan while deciding appeal No.3719/2015 on 08.02.2021 titled as Chief Secretary, Govt. of the Punjab V/s. Parveen Shad etc. regarding who were initially appointed on contract basis and were subsequently regularized are entitled to pay protection for the period they remained on contract. In other words whether a contractual employee is entitled to the last salary, including all the increments earned and added to their salary over the years at the time of his regularization uphold the decision / orders dated 16.04.2018 passed in appeal No.3719/2015 of Punjab Service Tribunal, Lahore.

Further, Law Department, Govt. of Punjab vide their advice dated 24.02.2021 has also opined as under:-

"The Hon'ble Supreme Court of Pakistan has laid down a principle in its judgment cited as 2009 SCMR 1, ordaining that a relief granted to any litigant by the judgment of Tribunal or Supreme Court is also to be provided to similarly placed employees, albeit non-litigants."

Keeping in view the above precedence, advice of Law Department, the case was placed before the House for consideration and approval of pay protection of officers / officials of UD.Wing, FDA in line with order dated 16.04.2018 passed in


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appeal No.3719/2015 of Punjab Service Tribunal, Lahore dully endorsed by the August Supreme Court of Pakistan in its judgment dated 08.02.2021.

The matter discussed at length and Managing Director, WASA was requested to consider officer / officials of WASA for such pay protection.

DECISION:

The House after detailed discussion unanimously approved pay protection of officers / officials of UD.Wing & WASA, FDA recruited under Contract Appointment Policy, 2004 and before promulgation of Punjab Regularization of Service Act, 2018 with amendments in the light of appeal No.3719/2015 passed by August Supreme Court of Pakistan and advice of Law Department, Govt. of Punjab, Lahore. However, this dispensation shall not be considered in calculation of pensionary benefits.

TABLE ITEM NO.05.

EXTENSION IN DATE FOR RECOVERY OF OUTSTANDING DEVELOPMENT CHARGES AND ADDITIONAL DEVELOPMENT CHARGES FROM THE DEFAULTERS OF FDA CITY HOUSING SCHEME FAISALABAD.

The Director (Estate Management-II), FDA explained the House that a campaign was launched in Nov-2020 to recover outstanding development charges and additional development charges with the approval of Competent Authority by providing last opportunity to the defaulters after issuance of final notice through Newspaper Advertisement published from the office of Director General, PRO, Lahore in National and Local Newspapers for awareness of the General Public in the light of decision of the Governing Body, FDA in its 105th meeting held on 01.02.2020 regarding recovery of outstanding dues in lieu of installments, development charges, CVT and cancellation of plots of FDA City vide item No.15(5) as the house unanimously approved to issue final notices to the allottees of FDA City Housing Scheme and after expiry of stipulated period, the allotment will stand cancelled on account of non-payment and already deposited amount will be forfeited.

The strategy remained successful and more than 01-Billion recoveries were affected from the defaulters of FDA City in lieu of development charges, additional development charges, CVT and other charges alongwith surcharge upto 15.04.2021. The case was again placed before the Governing Body, FDA in its 111th meeting held on 06.05.2021 vide Item No.05 for further extension upto 30.06.2021 and the House accorded approval.


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Now, as the cut of date has been expired on 30.06.2021, therefore the case is again placed for approval of the following proposals;

1. Penalty on late payment of outstanding development charges and additional development charges from 01.07.2021 to 30.09.2021 may be charged @Rs.2000/- per Marla.
2. To boost up recovery and to avoid un-necessary litigation, the disposal of cancelled plots may be approved through auction and through restoration of plot under restoration policy which ever will be earlier up to 30.09.2021.

DECISION:

The House after detailed discussion unanimously approved to extend the date for depositing outstanding development charges / additional development charges etc. upto 30.09.2021 @ Rs.2000/- per marla and further disposed of the cancelled plots through open auction and through restoration policy in vogue in the best interest of Authority.

The meeting ended with a vote of thanks by the Chairman of FDA.



(MUHAMMAD LATIF NAZAR)
MPA PP-114 / CHAIRMAN
GOVERNING BODY FDA, FAISALABAD.