

CONFIDENTIAL

CAPITAL DEVELOPMENT AUTHORITY
(Directorate of Coordination)

No.CDA-1232/BM-Coord/2012/

Islamabad May 2012.

Subject:- MINUTES OF THE 10TH MEETING OF CDA BOARD FOR THE YEAR 2012.

The 10th meeting of the CDA Board for the year 2012 was convened on Tuesday, the 10th May 2012 at 02:00 P.M in Room No. 006, Jinnah Convention Centre, Islamabad with the Chairman, CDA presiding.

2. The following were in attendance:-

- 1) Engr. Farkhand Iqbal, In Chair
Chairman, CDA.
- 2) Mr. Javaid Jehangir,
F.A/ Member.
- 3) Mian Waheed-ud-Din
Member (Environment).
- 4) Mr. Khalid Mahmood Mirza,
Member (Estate).
- 5) Mr. A. Aziz Qureshi,
Member (P & D).
- 6) Mr. Abrar Hussain Shah,
Member (Engineering)

- 7) Mr. Nadeem Akbar Malik,
Secretary CDA Board.

3 The following officer was in attendance and participated:-

- 1) Mr M. Aslam Chaudhary,
Director EM-II, CDA.

4. Ms. Saba Asim, Dy. Director (Dev) attended meeting on behalf of Chief Commissioner (ICT), Islamabad and Commissioner, Rawalpindi could not attend the meeting.

5. Meeting commenced with the recitation of “Holy Quran” by Nadeem Akbar Malik, Secretary CDA Board.

6. The following agenda items were taken up for discussion and following decisions were taken:

6.1 EOBI ISSUES.

10140/1232/BM/'12
10-05-'12/10TH

DG (Planning) explained to the Board that Interest has been shown by the Chairman EOBI during presentation to the CDA Board and in black and white to make investment in the present state of financial crises in Islamabad. The issue has been deliberated by the CDA Board Members and it has been found feasible to some extent to utilize the funds available with EOBI for the development of the capital on public public partnership basis.

The possible venue for utilization of these funds are the construction of Margalla Avenue, 11th Avenue, Up-gradation of Islamabad Express Way (from Koral to Rawat), development of Sectors C-15 and C-16. In lieu of this investment, commercial plots in the northern strip and Sector C-16 along Margalla Avenue, 40 acres at Sangjani (presently proposed for establishment of fruit mandi), one piece of land (exact measurements not known) at Nowgazi and commercial area along I.J.P. Road may be offered to EOBI for development of commercial Plazas, apartments etc.

Case is placed before the CDA Board for the following:-

- i. Estate Management Wing may examine if some land in lieu of investment provided for development of any project mentioned above, may be allotted to EOBI.
- ii. Law Directorate to prepare a memorandum of understanding/agreement to be executed with EOBI.

DECISION

The Board principally approved that development of land of Capital on Public Public Partnership Basis (PPPB) and decided that offer of EOBI will be considered after amendment in the Land Disposal Regulations.

Action: DG(Planning)

6.2 REVISION OF PLANNING PARAMETERS FOR PLOTS IN DIPLOMATIC ENCLAVE.

Deferred.

6.3 VACATION OF GOVT. ACCOMMODATION BY THE EMPLOYEES THOSE HAVE COMPLETED THEIR HOUSES AS PER AUDIT OBSERVATION.

10141/1232/BM/'12
10-05-'12/10TH

The Audit Party framed the following para during their Audit of Admin Wing from 16-08-2010 to 26-08-2010:-

i) “According to rule-5-6 (Chapter-II Eligibility) of Accommodation allocation Rules (as adopted by CDA), a federal government servant owns a house in his own name or in the name of his spouse or dependent children, at the station of his posting shall not be allowed Government accommodation and shall be allowed self hiring of the house. Such FGS shall be entitled to six months grace period from the date of completion of his house. All the FGSs who are already in possession of government accommodation shall also be allowed period of six months to shift to their own houses. A FGS shall at the time of allotment submit an affidavit, that does not own a house in his own name or in the name of any of his family members and if it is established that a FGS has a house in the name of any of the above at the station of posting, his allotment shall be cancelled.

ii) Director, Administration CDA Islamabad did not cancel the allotment of hired and allotted houses of the

employees who were allotted plots by CDA and were granted house loans from 1.20 million to 4.00 million and completed construction of their houses. This resulted into irregular retention of allotted/hired houses by the allottees of the plots.

iii) The matter needs up-gradation of the position of allotted plots and detailed investigation/cancellation of allotted/hired houses for thee allotment to other needy employees of the Authority”

Rule No. 5 & 6 of AAR-2002 provided as under:-

A FGS who owns a house in his own name or in the name of his spouse or dependent children, at the station of his posting shall not be allowed Government accommodation and shall be allowed self hiring of the house. Such FGS shall be entitled to six months grace period from the date of completion of his house.

All the FGS who already in possession of Government accommodation shall also be allowed period of six months to shift to their own houses. However, this rule will not apply to FGSs whose houses stand hired by the Estate Office at their place of posting.

A FGS shall at the time of allotment submit an affidavit, that he does not own a house in his name or in the name of any of his family members and if it is established that a FGS has a

house in the name of anyone of the above at the station of posting, his allotment shall be cancelled.

According to above rules, following officers/officials were served notices for the vacation of government houses/flats:-

1. Mr. Abdul Razzaq, UDC, Works Directorate, CDA.
2. Mr. Mubashir Hafeez, Sr. Research Assistant, CE Lab, CDA.
3. Syed Safdar Ali, Director HRD, CDA.
4. Mr. Said Badshah, Dy. Director, Water Supply, CDA.
5. Syed Maqbool Hussain Shah, Sub Assistant, W&S, CDA.
6. Mr. Ghulam Shabbir, A.D, Market & Road Maint, CDA.
7. Mr. Muhammad Rasheed, PS to Chairman, CDA.
8. Mr. Muhammad Irfan, Director Environment, CDA.
9. Mr. Muhammad Latif, UDC, DGW, CDA.
10. Mr. M Ansar Gondal, Audit Officer, SP Said Pur Village, CDA.
11. Mr. Afzal Hussain Shah, Building Inspector, BCS-II, CDA.
12. Mr. Muhammad Azad, Building Inspector, BCS-II, CDA.
13. Mr. Muhammad Nadeem, UDC, Revenue Director, CDA.
14. Mr. M. Shafi, Stenotypist, Director Staff, CDA.
15. Mr. Fazl-e-Mabood, Director Revenue, CDA.
16. Mr. Abdul Razzaq, Stenotypist, BCS-II Directorate, CDA.
17. Dr. Ghazala Mumtaz, Child Specialist, Capital Hospital, CDA.
18. Mr. Taj Muhammad, Store Keeper, Capital Hospital, CDA.
19. Mr. Rashid Ahmed, UDC, MPO Directorate, CDA.
20. Mr. M. Shafi Shafique, DAO, Environment Directorate, CDA.
21. Mr. Sheraz Sami, Admin Officer, Sanitation Directorate, CDA.
22. Mr. Muhammad Hayat Bhatti, Dy. Director, Audit Dte, CDA.
23. Mr. Zulfiqar Ali, Jr. Research Assistant, C.E Lab, CDA.

24. Mr. Muhammad Khan, Building Inspector, BCS-I, Dte, CDA.
25. Mrs. Naheed A. Malik, Head Nurse, Capital Hospital, CDA.
26. Mr. Khalid Nawaz, Dy. Directorate, Road Directorate, CDA.
27. Mr. Sheikh Salman, DG (Environment), CDA.
28. Mr. Fida Jr. Research Assistant, CE Lab, CDA.
29. Mr. Muhammad Tufail, Environment Directorate, CDA.
30. Mr. Shahid Ikram, Revenue Directorate, CDA.

All most all the above officer/official shown their inability to vacate the Govt accommodation under their occupation for the reasons:-

(i) That they have constructed houses on plots allotted by CDA by virtue of loan taken from CDA but in fact that CDA loan proved insufficient and they had to seek loan from their relatives and friends to complete the construction work. Now, they are not only repaying the CDA loan but also returning back money owned from the relatives and relatives. Thus, they have rented out whole house to repay the loan.

(ii) That in order to pay the educational dues of their children, they have also taken refundable loan form the G.P Fund and from the banks (Flexibility loan) for which their pays have considerably dwindled and has proven quite insufficient to cater the daily needs of their family.

(iii) That they had drawn house loan instead of H.B.L. The rule 5-6 of AAR-2002 does not apply to us since at the time of producing affidavit they did not own any house in Islamabad/ Rawalpindi area. They now only possess the

house constructed on plot allotted under CDA loan paid housing scheme.

(iv) That in case they shift to their own accommodation, then they should be unable to repay the loan taken from the CDA for construction of house as well as drawn from relatives.

(v) Some has mentioned in their reply that Rule 5-6 of PAR-2002 (in fact AAR-2002) apply on all government functionalities through out Pakistan but to-date they have not aware to any single example where an employee vacate the quarter as due to the circumstances prevailing in the country.

(vi) Some notices in their reply clarified that construction work on their plot as not yet completed and they have also yet to re-pay the loan therefore notice may be withdrawn on humanitarian grounds.

(vii) It has been stated that clause 5 & 6 of accommodation allocation Rule-2002 quoted in the notice do not restrict/warrant its implementation to the employee who have availed house loan facility therefore, serving notice on this particular reason is a sever description and clear violation of basic human rights because a large number of Government officers/ officials having own houses at their place of posting are residing in Government accommodation. Since the AAR-2002 to the extent of aforesaid clauses is not being implemented in its true sprit therefore attempt to

enforce the said clauses upon CDA officer/ officials is a clear discrimination and against the spirit of fundamental laws of natural justice. In the particular case where the house has been constructed by availing loan facility from the Authority, which is to be refunded from the rental income of the house, thus serving such notices and threatening to vacate the official accommodation within 30 days & subsequent cancellation of the bonafide allotment is equivalent to throwing the officer on the street which, is they confident, CDA Management, will not allow this injustice to happen, because selective application of AAR-2002 is purely against the spirit of any basic rule & regulation which are primarily meant for its universal application in order to avoid discrimination at any stage.

(viii) Further more CDA is an autonomous body and is not bound to adopt any rule in toto, such clauses of which otherwise are not being implemented any where in the country in its true spirit. Thus restricting these particular clauses of AAR-2002 to the CDA employees those have availed house loan facility, may result in severe discrimination & harassment amongst its officers/officials. Therefore such section of AAR-2002 may be got modify/revoked by CDA Board having entire competency of such matters being statutory body.

Although, CDA is an autonomous body but is following rules of government whereas according to rules after the

completion of house, the employee can retain government accommodation maximum for the period of six months.

Therefore, case is placed before the CDA Board whether this office may go for the vacation of government houses from the officials/officers who have completed their houses and availed the facility of six month or they may be granted some specified period in the light of their problems explained at para 4 of the Summary.

DECISION.

The Board decided to withdraw its earlier decision dated 23.07.2008 and in the light of DAC directive decided to take necessary action as per AAR-2002. The Board decided that all the CDA/government houses under the possession of officers/officials who have completed their houses on the plots allotted by CDA be cancelled and allotted as per seniority to the awaiting officers/officials. 30 days time will be given to present occupants of CDA/government houses for vacation.

Action: D.G (Admin)

6.4 REQUEST FOR ALLOTMENT OF ALTERNATE PLOT- PLOT NO. 13-G, MARKAZ F-8, ISLAMABAD.

10142/1232/BM/12
10-05-'12/10TH

The case relates to the allotment of an alternate plot in lieu of Plot No.13-G, Markaz F-8, Islamabad which is under litigation. The brief of the case is as under:-

- Plot No.13-G, Markaz F-8, Islamabad measuring 666.66 Sq. Yards was auctioned on 21.07.2011.
- Ch. Muhammad Aslam was the highest bidder of Rs.2,75,000/- per Sq. Yards works out to Rs.183,331,500/-
- Bid acceptance letter was issued on 23.07.2011 intimating the bidder to deposit 40% of premium within 10 days and balance 60% of premium into two equal installments on 22.10.2011 and 22.01.2012.
- The bidder paid Rs.7,33,32,600/- on account of 40% of premium with in time.
- This particular plot, 13-G, Markaz F-8, Islamabad measuring 50'x120=666.67 sq.yds had earlier been put to auction on 26.6.2001. Mr. Zubair Ullah Bangash had offered a bid of Rs.20,200/- per sq.yds. CDA Board rejected his bid for 13-G Markaz F-8 being below the Reserve Price (Finance Wing had quoted a reserve price of Rs.34,763/- Per Sq: Yard for October 2000). The ex-bidder was informed about the rejection of his bid in writing on 28.9.2001 and refund cheque amounting to Rs.33,66,333/- on account of 25% premium deposited by him was also prepared by Account cell which was sent to the ex-bidder but he returned it back to CDA.
- The ex-bidder filed a suit for Declaration and Permanent Injunction for restoration of the said plot, before Civil Court Islamabad which was dismissed by the concerned court.

- The ex-bidder filed an Appeal against the said Order before District & Sessions Judge, Islamabad which was partially accepted in favour of the ex-bidder.
- That CDA filed a Civil Revision No.732/2004 before Lahore High Court, Rawalpindi Bench, which was decided by this Honourable Court on 22.5.2008 as under:-

“This revision petition is therefore allowed. The judgement and decree of the learned Addl. Distt. Judge is upheld to the extent that letter dated 28.9.2001 has been illegally issued. However, auction does not stand confirmed unless it is approved by the CDA Board”.
- The case of the said plot was again placed before the CDA Board on 18.10.2010 for consideration of the same and ex-bidder (Mr. Zubair Bangash) was also called for explaining his viewpoint before the Board. After listening to the ex-bidder and lengthy discussion amongst the Board members the CDA Board again in its meeting held on 24.2.2011 rejected the request of the ex-bidder for restoration of the said plot.
- Thinking that the matter of ex-bidder with respect to Plot 13-G Markaz F-8 has been settled, Finance Wing included this particular plot in the Open Auction held in July 2011 as there was no Court Case and/or Stay Order against it. It was advertised before the Auction in leading national dailies and then put to open bidding but the ex-bidder didn't come up with any complaint or

restraining order. However, after the present allottee's (Ch Aslam) bid was approved by CDA Board and he paid 40% of the Downpayment, the ex-bidder, Mr.Zubair Ullah Bangash, again filed a Writ Petition No.2303/11 on 28.8.2011 in respect of said plot against CDA and obtained Status Quo from Islamabad High Court. CDA also filed petition for early hearing of the said Writ but the next date is fixed as 13.3.2012. Due to status quo order of the Islamabad High Court, allotment or possession of the said plot cannot be delivered to new auction-purchaser.

- Now auction-purchaser vide his letter dated 28.03.2012 has informed that Writ Petition titled "Zubair Ullah Khan Bangash VS CDA" has been adjourned for further proceedings and requested for allotment of any other plot in the same Sector/Markaz F-8 or F-7 or in Markaz F-6, Islamabad.
- Directorate of Estate Management- II with the help of Planning Wing of CDA explored the possibility of availability of any other plot that is comparable to the plot of the applicant Mr. Muhammed Aslam. The details of plots are given in para 32/N.
- Plot 14-A, F-7 Markaz (serial no. 1) is proportionately much bigger than the plot of the applicant (1000 as compared to 666 sq yd).
- Plot 14-B, F-7 Markaz, Islamabad measuring 837.77 Sq. Yards (serial no. 2) is comparable in Value as based on the previous auction an auction price of Rs. 252000

per sq yard had been recorded in 2010 for plot 1-C F-7 Markaz. However, its size is bigger by approx. 168 sq yards than the plot of the applicant.

- Plot 13-F/1 F-7 Markaz (Serial no 3) plot is under the possession of Police and is probably meant for Police Barracks. Also, CDA has been negotiating with Police Deptt already for alternative plots because of the auctioning of Police Deptt's plot in F-6 Markaz.
- Plot 16-D F-8 Markaz, Islamabad measuring 837.77 Sq. Yard (serial no. 4) is slightly bigger in size and its location is not as good as the plot of the applicant because that is open to parking and road on all four sides. However, as per finance wing's procedures its auction price would still be considered as Rs 275000/-. Also, most of the plots in F-8 Markaz are under adverse possession due to illegal construction of offices of lawyers working in the adjoining Kacheri.

In view of above, the case is placed before CDA Board for consideration of the request of bidder regarding allotment of an alternative plot in lieu of Plot No.13-G, Markaz F-8, Islamabad measuring 666.66 Sq. Yards on payment of difference of price in case of allotment of plot of bigger size.

DECISION

The Board approved the allotment of Plot No. 14-B, F-7 Markaz measuring 837.77 square yards to Ch. Muhammad Aslam as an alternate of plot No. 13-G, Markaz F-8,

Islamabad, measuring 666.66 square yards. The cost of land of the plot to be charged at the rate of the last auction price of the same now being offered, plus indexation charges applicable to be calculated by Finance Wing. The cost of additional area will also be charged at the same rate as per final calculation of the plot.

Action: Director EM-II

7. The meeting concluded with a word of thanks to and from the Chair.

10TH BOARD MEETING FOR THE YEAR-2012**HELD ON 10TH MAY, 2012****(DRAFT MINUTES)****AGENDA ITEMS**

Sr. #	Items of Agenda	Presenter	Page No
1	EOBI Issues	DG(Plan)	02
2	Revision of planning parameters for plots in Diplomatic Enclave.	DG(Plan)	04
3	Vacation for Govt. Accommodation by the employees those have completed their houses as per audit observation.	DG(Admin)	04
4	Request for allotment of alternate plot-Plot No. 13-G, Markaz F-8, Islamabad.	Director EM-II	10