

MINUTES OF THE 59<sup>TH</sup> MEETING

FEDERAL GOVERNMENT EMPLOYEES HOUSING FOUNDATION  
SHAHEED-E-MILLAT SECRETARIAT  
ISLAMABAD

F.No.7(8)/99-HF(A)

Islamabad, the 15<sup>th</sup> Nov., 1999.

Subject:- MINUTES OF THE 59<sup>TH</sup> MEETING OF THE EXECUTIVE COMMITTEE OF THE  
FEDERAL GOVERNMENT EMPLOYEES HOUSING FOUNDATION HELD ON  
5.11.1999.

The 59<sup>th</sup> meeting of the Executive Committee of the Federal Government Employees Housing Foundation was held on 5.11.1999 at 9.00 A.M. in the Ministry of Commerce A-Block, Pak. Secretariat, Islamabad under the Chairmanship of Additional Secretary Incharge Ministry of Housing & Works.

2. A copy of the minutes of the above meeting is enclosed for information.

(Malik Zafar Abbas)  
Law Officer

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|--------------------------|---|-----|--|
| 1.                       | Mr. Nawid Ahsan,<br>Additional Secretary Incharge,<br>Housing and Works,<br>Islamabad                           | 2.  | Mr. Moula Bux Lund,<br>Joint Secretary(Works),<br>Islamabad.   |
| 3.                       | Mr. Sarfaraz Ahmad Mirza,<br>Director General,<br>Pak. PWD, Islamabad.  | 4.  | Mr. M. Amjad Shaikh,<br>Joint Secretary,<br>Cabinet Division,<br>Islamabad.                              |
| 5.                       | Mr. Hamid Ali Alvi,<br>Financial Advisor(Works),<br>Islamabad.  | 6.  | Mr. Maqbool Elahi,<br>Member Planning,<br>Capital Development Authority,<br>Islamabad.                   |
| 7.                       | Mr. Alam Zeb Khan,<br>Joint Engineering Advisor(Works),<br>Islamabad.   | 8.  | Mr. Ghulam Mustafa Kazi,<br>Deputy Secretar(Admn),<br>Works Division, Islamabad.                         |
| <u>Co-Opted Members.</u> |   |     |  |
| 9.                       | Mr. Mahmud Ahmad,<br>Managing Director,<br>National Zakat Foundation,<br>23-N, Civic Centre,<br>G-6, Islamabad. | 10. | Mr. Ali Muhammad Sabir,<br>Principal Trade Training Centre,<br>Staff Welfare Organization,<br>Islamabad. |
| 11.                      | Rana Taj Muhammad Khan,<br>Assistant,<br>M/O Interior,<br>Islamabad.  |     |  |
| <u>IN ATTENDANCE.</u>    |   |     |  |
| 12.                      | Naved Asghar Qureshi,<br>Director General,<br>Housing Foundation,<br>Islamabad.                                 | 13. | Mr. Mahmood Akhtar,<br>Director(Finance),<br>Housing Foundation,<br>Islamabad.                           |
| 14.                      | Mr. Safdar Ali,<br>Deputy Director(Tech),<br>Housing Foundation,<br>Islamabad.                                  | 15. | Malik Zafar Abbas,<br>Law Officer,<br>Housing Foundation,<br>Islamabad.                                  |

2/11/99

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2. The list of participants is appended.
3. The meeting opened with recitation from the Holy Quran. After the participants were welcomed by the Chair, the Director General F.G.E. Housing Foundation was invited to explain the participants regarding issues to call the instant meeting.
4. The Director General briefed the participants by stating that he was called by the Honourable High Court in a Writ Petition No.338/99 filed by the land owners of Sector G-13 in the Honourable High Court on 1.11.1999. During the course of hearing the learned Honourable Judge and the counsel of the petitioner raised some legal questions and asked him to place these questions in the Executive Committee for its consideration and inform the court of its decisions on 8.11.1999 in person. The Executive Committee was informed that the following questions were raised in the High Court.:-
  - i) Whether the acquisition for or on behalf of a company could be made under provisions of the Land Acquisition Act 1894;

- ii) Even if the land could be acquired at the instance of the company would it constitute public purposes within the scope of the Land Acquisition Act;
- iii) In the event that the answer to both the queries referred to above is in the affirmative, whether the charges of 25% as compulsory acquisition charges would be payable instead of 15%?
- iv) Whether the scheme known as Phase-III wherein alongwith the Civil Servants, Judges and Journalists were included, was permissible in the light of Memorandum and Articles of Association of the Foundation?
- v) Whether the Federal Government Employees residing outside Islamabad could be included in the said Housing Scheme.

5. All the above questions were discussed one by one in the meeting and Director General informed that these questions have been consulted with the Legal Advisor and their replies are as under:-

- 1) With regard to query No. i, Legal Advisor stated that it is a settled law and the Land Acquisition Act by itself unequivocally contemplates that the acquisition can be made for a company. Section-4 and other sections 39 to 41 of the Land Acquisition Act contained a clear provision in this behalf. The Legal Advisor has also stated that there is ample case law on the subject and he will produce the same in the court at the time of hearing.
- 2) With regard to query No. ii, the Legal Advisor stated that acquisition by the company for construction of houses is held to be a public

purpose in various judgements of the superior courts.

Therefore, the contention contained in this query is also misconceived.

He is confident to defend it in the court on next date of hearing.

- 3) With regard to query No. iii, he has stated that determination of compensation is to be made according to provision of section-23 of Land Acquisition Act. It envisages that market value has to be determined on the basis of average of last one year from the date of Notification under section-4 of Land Acquisition Act. Accordingly before launching the scheme the Land Acquisition Collector had demanded the cost of land at the rate of Rs.77,000/- per kanal. However, the then LAC attended the 49<sup>th</sup> meeting of the Executive Committee held on 31.8.1998 and apprised the committee that cost of land amounting to Rs.2,30,000/-per kanal (including compulsory acquisition charges) would be acceptable to the land owners, otherwise they would not hand over possession of land. Subsequently the Executive Committee in its 53<sup>rd</sup> meeting held on 11.3.1999 agreed to pay cost of land at the rate of Rs.2,30,000/- per kanal just to avoid problems and litigation on the issue. Therefore, the value of Rs.2.30,000/- per kanal including 15% compulsory charges was on the basis of mutual settlement. In view of this claim regarding increase of compensation is not tenable at this stage.
- 4) Regarding query No. iv, the Legal Advisor stated that contention contained in the instant query is unfounded because the Memorandum and Articles of Association of the Housing Foundation has a wider

amplitude to include Judges and Journalists. Even otherwise there was a direction by the Federal Government through Cabinet Divisions U.O. No. 2/17/93-CDA-II dated 3.5.1994 intimating that Federal Government Employees Housing Foundation may acquire the land in Sector G-13 Islamabad through District Collector Islamabad under Land Acquisition Act 1894 for the proposed Housing Scheme. It was clearly written in that U.O. note that the existing charter of the Housing Foundation was reasonably broad based and would require no change for the implementation of the Scheme. Thus Honourable Judges of superior courts and the Journalists were included in the scheme on the direction of Federal Government. It is further added hereby that the inclusion of categories of employees other than Federal Government Employees were made with the approval of Executive Committee and the Board of Governors of the Housing Foundation.

- 5) With regard to query No. v, he has stated that the scheme is meant for the Federal Government employees irrespective of their posting as any employee can be transferred at any time.

6. The Executive Committee gave the approval of the replies mentioned above in addition to reply to query No.IV., the Executive Committee authorized the Director General to submit before the Honourable Court regarding its earlier decision dated 6.8.1999 for issuance of provisional allotment letters to the eligible applicants as envisaged in clause-5(a) to (e) of the brochure of Phase-III Sector G-13.