**GOVERNMENT OF THE PUNJAB**
**SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

Dated Lahore, the Feb 21, 2005.

## NOTIFICATION

No.SO9 (DEV) (PGSHF)1-2/2005. In exercise of the powers conferred upon him under section 21 of the Punjab Government Servants Housing Foundation Act, 2004 (X of 2004), the Governor of the Punjab is pleased to make the following rules:

1. **Short title and commencement.** (1) These rules may be called the Punjab Government Servants Housing Foundation Rules, 2005.

   (2) These shall come into force at once.

2. **Definitions.** (1) in these rules, unless there is anything repugnant in the subject or context,-

(a) "accounts office" means the office of the Accountant General, Pakistan Revenues, any sub-office of the Accountant General, Pakistan Revenues, Accountant General, Punjab, any District Accounts Office or office of any other Accounts Officer from where salary of a member is being drawn;

b) "Act" means the Punjab Government Servants Housing Foundation Act, 2004 (Act X of 2004);

c) "application" means the application for the membership of the Foundation;

d) "category" means a category of members as specified in rule 11;

e) "commercial unit" means any building or structure in a scheme not being a residential unit;

f) "contribution" means the compulsory monthly deduction from the salary of a member;

g) "financial year" means the year commencing on the 1st day of July and ending on the 30th day of June;

h) "misconduct" includes the conduct prejudicial to the rights and interests of the Foundation, gross illegality, neglect in discharge of duties, conduct unbecoming of a gentleman, willful or wanton disregard or deliberate violation of direction, order or instruction of the Government, the Board or the Foundation, as the case may be;

i) "Province" means the Province of the Punjab;

j) "residential unit" means a flat or a house of any category in a scheme;

k) "scheme" means a housing scheme of the Foundation with such name as may be determined by the Board; and

l) "society" means a residents' association of a scheme, registered under any law for the time being in force with authority to raise funds through compulsory contributions from the residents, for the maintenance of the scheme.

(2) The words and expressions used herein but not defined in these rules shall have the same meanings as are assigned to them in the Act.

**3. Eligibility for membership.** (1) Subject to these rules, every person who is a Government servant at the time of promulgation of the Act or becomes Government servant on a subsequent date shall be eligible to become a member of the Foundation.

(2) A Government servant shall only be eligible for one membership of the Foundation:

Provided that he has not obtained a plot on reserved price in any housing scheme of the Federal Government, a Provincial Government or a local government or any other housing scheme sponsored by an Urban Development Authority.

**4. Conditions for members of Civil Services of Pakistan.** A member of the Civil Services of Pakistan shall be eligible to become member of the Foundation subject to the fulfillment of any of the following conditions, namely-

(i) he is domiciled in the Province and has served in connection with the affairs of the Province for a period of more than three years; or

(ii) he has served in connection with the affairs of the Province for a period of more than six years.

**5. Procedure for membership.** (1) A Government servant may became member of the Foundation on acceptance of his application.

(2) The Foundation may prescribe time for the submission of the applications by the eligible Government servants.

(3) The Foundation may impose additional conditions for the acceptance of the applications, submitted after the lapse of the prescribed time:

Provided that the application for membership shall be accepted subject to the deposit of contribution in the account of the Foundation.

(4) The Foundation shall issue a certificate of membership to each member containing his name, designation, name of his Department of office, membership number and his account with the Foundation.

**6. Termination of membership**. (1) Membership of a member shall be terminated if he –

(a) resigns, or is dismissed, removed or compulsorily retired, from service; or

(b) voluntarily withdraws from membership; or

(c) Is transferred to a Government other than the Government of the Province and has failed to remit contribution for six months; or

(d) has made any false statement in the application:

Provided that membership of a member shall not be terminated unless the member is afforded an opportunity to show cause against the proposed action.

(2) In case of termination of membership under sub-rule(1), the out-going member shall be entitled to re-fund of the amount in his account subject to such deductions, if any, as may be determined by the Board.

(3) Once a member withdraws the amount from his account after termination of membership, he shall not subsequently be admitted as a member except for good cause and subject to any general or special order of Board.

**7. Removal of Director.** (1) A Director, not being an ex-officio Director, may be removed by the Government if he-

(i) is guilty of misconduct; or

(ii) Fails to attend three consecutive meetings of the Board without any reasonable cause or excuse.

(2) A Director against whom action is proposed to be taken under sub-rule(1) shall be provided with an opportunity to show cause against any such action.

**8. Resignation of Director.** A Director, not being an ex-officio Director, may resign from his office by tendering his resignation to the Government and shall cease to be the Director upon the acceptance of his resignation.

**9. Removal and relieving of Managing Director.** (1) The Board may make recommendation to the Government for the removal of the Managing Director during the tenure of his office.

(2) The Managing Director shall cease to hold the office of Managing Director upon acceptance of the recommendation by the Government.

(3) The Government may, by order, relieve the Managing Director from his duties as the Managing Director and he shall cease to hold the office of Managing Director upon the issuance of such order.

**10. Resignation of Managing Director.** The Managing Director may resign from his office by tendering his resignation to the Government and shall cease to hold the office of Managing Director upon the acceptance of his resignation.

**11. Rate of contribution.** (1) The rate of contribution shall be determined by the Board for members belonging to each of the following Categories: -

(i) BS 1-7 Category-I

| | | |
|---|---|---|
| (ii) | BS 8-15 | Category-II |
| (iii) | BS 16-18 | Category-III |
| (iv) | BS 19 & above | Category-IV |

(2) The contribution shall be deducted at source by the accounts office.

(3) Subject to the provision of sub-rule(1), the Board shall determine on yearly basis the rate of profit to be credited to the account of a member.

(4) The balance price of a residential unit, if any, calculated after accounting for the amount in the account of the member, shall be paid by the member or his family before the delivery of possession of the residential unit.

(5) If the amount in the account of the member is more than the price of his residential unit, the excess amount shall be returned to the member or his family.

**12. Head of account.** The Accountant General, Pakistan Revenues or the Accountant General, Punjab, as the case may be, shall credit the contributions of such detailed head of account as may be notified, from time to time.

**13. Contribution of a transferred member.** Where a member is transferred to a government other than the Government of the Province, he shall remain a member subject to these rules in the same manner as if he has not been so transferred, and his contribution during such period shall be remitted to the account of the Foundation at the accounts office where he has been serving immediately before his such transfer.

Provided that it shall be the responsibility of the member to ensure that his contributions are being properly remitted to the account of the Foundation.

**14. Maintenance of accounts**. (1) Contribution to the account of the Foundation shall be maintained by the accounts office where the contribution is deducted or remitted.

(2) Withdrawal of the amount from the account of the Foundation at the accounts office shall be made in the manner as may be determined by the Accountant General.

(3) The account shall be kept in Pakistani rupees and all payments therein shall be made in Pakistani rupees.

**15. Budget and audit.** (1) The budget of the Foundation shall be prepared by the Foundation for each financial year containing the details of income and expenditure.

2). The budget statement shall be placed before the Board for approval before the commencement of each financial year.

3). The accounts of the Foundation shall be dept in double-entry system.

4). Every payment shall be made after applying prescribed pre-audit checks through internal audit system of the Foundation and in accordance with the rules of the Government.

5). The accounts of the Foundation shall be post audited annually be a firm of Chartered Accountants.

6). Annual audit report shall be laid before the Board for approval.

**16. Meetings of the Board.** (1) The Board shall meet for the transaction of business at least once in every three months.

2). The Managing Director, with the approval of the Chairman, may summon the meeting of the Board on such date or dates, as may be specified.

3). Any three Directors may requisition the meeting of the Board to consider the issue or issues mentioned in the requisition notice, and the Managing Director shall summon meeting of the Board within seven days of the receipt of the requisition.

4). All decisions of the Board shall be recorded in a minute book.

5). The managing Director shall record minutes of meeting of the Board, and in his absence the Chairman may direct any other Director to perform such function.

**17. Custody of money.** All monies constituting the fund shall be kept in the manner as may be determined by the Board.

**18). Disposal of surplus funds.** The Board may invest such monies constituting the fund as are not required for immediate expenditure, in the manner as it deems fit.

**19). Allocation of residential units.** (1) No member or his family shall be entitled to allocation of more than one residential unit in all the schemes of the Foundation.

(2) The residential units shall be allocated in favour of the members or their families in the following manner, namely-

a) to the members or their families on retirement or death, as the case may be, in accordance with the priority of station indicated in their option for stations:

Provided that a member may, with the approval of the Foundation at time before allocation, change his priority of station:

(b) If the residential units at a station are less than the demand, allocate or the residential units at such a station shall be made on the basis seniority of members in particular category and in case of tie, on the basis of draw of lots:

Provided that a separate seniority list, on the basis of the date of retirement, of reach category of members shall by maintained to the Foundation; and

c) Where the date of retirement or the date of death of two or more members in a category is the same, the seniority shall be determined for the date of membership of the Foundation.

(3) In case the number of the residential units exceeds the existing requirement, the surplus residential units shall be allocated to the next eligible members in accordance with the seniority list.

**20. Delivery of possession.** The Foundation shall deliver possession of an allocated residential unit to member or his family on payment of the balance price of the unit, if any.

**21. Maintenance of schemes,** (1) The Foundation shall maintain a scheme for one year after its completion.

(2) Further maintenance and management of the scheme shall lie with the society, subject to its recognition and general supervision by the Foundation.

**22. Conditions of allocation.** Allocation of a residential unit in favour of a member shall be made subject to the following conditions:-

(a) The member shall not alienate the allocated residential unit within one year of the delivery of possession;

(b) All subsequent transfers of the allocated residential unit shall be made with the approval of the Foundation subject to payment of transfer fee as may be determined by the Board;

c) No structural change of any kind shall be made in a residential unit except with the prior permission of the Foundation or the society, as the case may be;

(d) all subsequent transferees of a residential unit shall be bound to comply with the provisions of the Act, these rules and the regulations, and wherever applicable, any reference to a member shall include a reference to a member shall include a reference to a subsequent transferee; and

(e) Such other conditions as may be notified by the Foundation.

**23. Cancellation of allocation**. (1) Where a member or his family or a subsequent transferee had failed to fulfill any condition of allocation, the Board may cancel the allocation after affording an opportunity to show cause against any such action.

(2) In case of cancellation of allocation under sub-rule (1), the Board may also terminate the membership of such member and all consequences of termination of membership shall follow:

Provided that the member or a subsequent transferee shall not be entailed to any amount unless he delivers the vacant possession of the residential unit to the foundation.

( 3 ) The Foundation shall be entitled to recover possession of the residential unit in case of cancellation of allocation and may deduct such amount from the account of the member as it deems fit.

**24. Maintenance and disposal of commercial units.** (1) A commercial unit shall be maintained or leased out in the manner as may be determined by the Foundation.

(2) A commercial unit shall not be sold or disposed of except through prior public notice and open auction.

(3) No structural change shall be made in a commercial unit except with the prior permission of the Foundation.

(4) The Board may impose any other condition upon the owner or the lessee for the proper maintenance or use of the commercial unit.

**25. Restriction on conversion.** (1) No alteration of land use in a scheme shall be made without the approval of Board.

(2) No public utility or public amenity area in a scheme shall be converted into commercial or residential area.

**26. Freedom of information.** Record of the Foundation shall be deemed to be public record and every member shall be entitled to have access to it or to get its certified copies subject to payment of fee, if any, as may be determined by the Foundation.

**27. Relaxation of rules.** The Government may, on the recommendation of the Board, relax all or any of the provisions of these rules in case of any hardship.

**CHIEF SECRETARY**
**GOVERNMENT OF THE PUNJAB**

**<u>No. & date even.</u>**

A copy is forwarded for information and necessary action to:-

1. The Principal Secretary to Governor, Punjab.

(Contdt. From prev-page)

2. The Principle Secretary to the Chief Minister, Punjab.
3. The Accountant General .Punjab. Lahore.
4. All Special Institutions of S &GAD.
5. All Heads of Attached Departments in the Punjab.
6. The Heads of concerned Autonomous Bodies in the Punjab.
7. All District Coordination Officers in the Punjab.
8. The PSs to Chief Secretary and Additional Chief Secretary, Punjab.
9. The Superintendent, Government Printing Press, Punjab, Lahore for immediate publication in the nest issue of the Punjab Government Gazette with the request to kindly supply 30 copies of the said Punjab Government Gazette to this Department.

**(Muhammad Anwar Javed)**
**Deputy Secretary (Dev.)**