

GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT
27 February 2013

NOTIFICATION

No.SOW-II(S&Gad)-9-3-2012. In exercise of the powers conferred under section 21 of the Punjab Government Servants Housing Foundation Act, 2004 (X of 2004), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.- (1) These rules may be cited as the Punjab Government Servants Housing Foundation Rules 2013.

(2) They shall come into force at once.

2. Definitions.- (1) In these rules:

- (a) "accounts office" mean.; the office of Accountant General, Pakistan Revenues, any sub-office of the said Accountant Generals, Accountant General Punjab, a District Accounts Office or an office of any other Accounts officer from where the salary of a member is drawn;
- (b) "Act" means the Punjab Government Servants Housing Foundation Act, 2004 (X of 2004);
- (c) "allottee" means a member of the Foundation in whose favour a house or plot is allotted and includes a person succeeding him by way of inheritance or through a legal instrument;
- (d) "application" means the application for the membership of the Foundation;
- (e) "category" means a category of members as specified in rule 11;
- (f) "civil service of Pakistan" means officers belonging to all Pakistan unified grades;
- (g) "commercial unit" means any building, structure or plot allocated for commercial purpose;
- (h) "contribution" means compulsory monthly deduction from the salary of a member or any amount paid by the member through pay order or bank draft or Challan Form No.32-A;
- (i) "draw" means an open ballot, for assigning a house or plot numbs to the selected members, to be conducted by the Foundation in the presence of such members as may be present;
- (j) "entitlement seniority" means a separate seniority of members or of each category, to be maintained by the Foundation, based on the date of superannuation and the priority of district or station;
- (k) "financial year" means the year commencing on 1st July and ending on 30th June;
- (l) "misconduct" includes the conduct prejudicial to the rights and interests of the Foundation, gross illegality, neglect in the discharge of duties, conduct unbecoming of a gentleman, willful or wanton disregard or deliberate violation of any direction, order or instruction of the Government, the Board or the Foundation, as the case may be;
- (m) "Province" means Province of the Punjab;
- (n) "scheme" means a housing scheme of the Foundation with such name as may be determined by the Board; and
- (o) "society" means a residents' welfare association constituted from amongst the allottees of the scheme subject to such condition as may be determined by the Board.

(2) The words and expressions used 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 was a Government servant at the time of promulgation of the Act or becomes a 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.

(3) A Government servant shall not be eligible to become a member of the Foundation if he has 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 service of Pakistan.- A member of the civil service of Pakistan shall be eligible to become member of the Foundation subject to the fulfillment of any of the following conditions:

- (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 become member of the Foundation on acceptance of his application under the procedure determined by the Board.

(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.

(4) The Foundation shall only accept the application for membership subject to the deposit of contribution in the account of the Foundation.

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

6. Termination of membership.- (1) The Managing Director may, at any time before allocation of a house or plot, terminate membership of a member if he:

- (a) resigns, or is dismissed, removed or compulsorily retired from service; or
- (b) voluntarily withdraws from membership; or
- (c) has failed to remit contribution for consecutive six months; or
- (d) has made any false statement in the application; or
- (e) has acquired membership through fraud or misrepresentation.

(2) The Managing Director shall not terminate membership of a member unless the member is afforded an opportunity to show cause against the proposed action.

(3) In case, the membership of a member is terminated under clause (c) of sub-rule (1), the Managing Director may restore such membership on payment of all outstanding dues and five percent of the outstanding dues as restoration charges.

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

(5) A member who withdraws the amount from his account on termination of membership shall not subsequently be admitted as a member.

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

(j) 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 tender his resignation to the Government and shall cease to be the Director upon the acceptance of such 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 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 resignation to the Government and shall cease to hold the office of Managing Director upon the acceptance of such 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 19-20 Category- IV
- (v) BS 21-22 Category- V

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

(3) The price of a house or plot as determined by the Board shall be paid by the member or his family before the draw through pay order or bank draft in favor of the Foundation.

(4) The Foundation shall, after adjustment of the amount already deposited in final price of the house or plot, recover or refund the balance amount before handing over the possession of the allocated house or plot.

(5) In case allocation of a house or plot is not made for any reason, the Foundation shall return the payment made by the member through bank draft or pay order.

(6) If the amount in the account of the member is more than the cost of the allocated house or plot, the Foundation shall refund the excess amount to the member or his Family.

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

13. Contribution of a member.- (1) Where a member is transferred to an autonomous body or a government other than the Government of the Province, he shall remain member subject to these rules in the same manner as if he has not been so transferred, and the member shall remit his contribution, during such period, in the account of the Foundation at the accounts office where he has last served under the Government of the Province.

(2) If contribution is not deducted at source, it may be paid through bank draft, pay order or Challan Form No.32-A.

(3) Notwithstanding anything contained in these rules, a member shall ensure and be responsible that his contributions are being properly remitted to the account of the Foundation.

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

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

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

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 kept in double-entry system.

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

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

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

16. Meeting 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 the minutes book.

(5) The Managing Director shall record minute of all meetings 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 houses or plots.- (1) A member or his family, depending upon his option, shall be entitled to allocation of only one house or plot, in any of the schemes or the Foundation.

(2) If a member or his family fails to deposit the price of the house or plot within the given time, he shall lose his right of inclusion of his name in the draw but such member may get his name included in one of the subsequent draws, on payment of price as may be determined by the Board before such subsequent draw.

(3) The house or plot shall be allocated in favour of the member or his family as per entitlement seniority through draw in the following manner:

- (a) on retirement or death of the member, in accordance with the priority of station indicated in his option for stations;
- (b) the member or his family may, with the approval of the Managing Director and at least one hundred and eighty days before the date of draw, change priority of stations;
- (c) If the houses or plots in a district or station are less than the requirement, allocation of houses or plots in such a district or station shall be made on the basis of entitlement seniority of members in each category;

- (d) separate entitlement seniority list, on the basis of the date of retirement or death or superannuation and priority of the district or station for each category of all members shall be maintained by the Foundation; and
- (e) where the date of retirement or death of two or more members in a category is the same, the seniority shall be determined as per date of application on membership option form of the Foundation and if the date of application is the same, on the basis of draw of lots.

(4) In case the number of the houses or plots at a district or station exceed the requirement as prescribed in rule 19(2)(a), the available houses or plots shall be allocated to the members on retirement or to the families of the deceased members, having second priority for the district or station subject to confirmation and in the manner prescribed in these rules.

(5) In case the number of the houses or plots at a district or station still exceeds the requirement, the available houses or plots shall be allocated to the members on retirement or families of the deceased members, having third priority for the district or station subject to confirmation and in the manner prescribed in these rules.

20. Delivery of possession. - The Foundation shall not deliver possession of the allotted house or plot to a member or family of the deceased member unless the price of the house or plot is paid in full.

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

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

(3) The Foundation or the society may collect user charges from the allottees or residents of the scheme as may be determined by the Board.

22. Conditions of allocation. - The Foundation shall allocate a house or plot in favour of an allottee subject to the following conditions:

- (a) the allottee shall not alienate the allotted house or plot within three months of the date of delivery of possession except to a person who is or has been in the service of Pakistan;
- (b) transfer of an allotted house or plot shall be made with the approval of the Foundation subject to payment of transfer fee, as may be determined by the Board, in addition to payment of a fee or other dues levied under any law;
- (c) a house shall be constructed in accordance with the drawings and designs approved by the competent authority and no structural change of any kind shall be made in a constructed house except with the prior permission of the competent authority;
- (d) the allottee of a plot shall construct house within a period of two years from the date of delivery of possession of the plot to the first allottee and, in case of failure, the allottee shall be liable to pay to the Foundation such surcharge for late construction as may be determined by the Board;
- (e) an allottee of a house or plot shall be bound to comply with the provisions of the Act, these rules and the regulations framed under the Act, and wherever applicable, any reference to a member shall include a reference to a transferee; and
- (f) such other conditions as may be notified by the Foundation.

23. Cancellation of allocation. - (1) Where an allottee has failed to fulfill any of the conditions of allocation, the Managing Director 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 Managing Director may also terminate the membership of such member and all consequences of termination of membership shall follow, and the member or the allottee shall not be entitled to any refund unless he delivers the vacant possession of the house or plot to the Foundation.

(3) The Foundation shall be entitled to recover possession of the house or plot in case of cancellation of allocation and may recover such amount from the allottee as it deems fit.

24. Maintenance and disposal of commercial units.- (1) The Foundation shall maintain, dispose of or lease out a commercial unit, public utility or public amenity plot or site in the manner as may be determined by the Board.

(2) A plot or site reserved for health, education, public or Government office, place of worship, community hall, club, graveyard and others shall be deemed to be a public utility or public amenity plot or site.

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

(4) A commercial, public utility or public amenity plot or site shall be developed and built in accordance with the design and specifications approved by the competent authority, and no structural change shall be made except with the prior permission of the competent authority.

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

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

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

26. Unauthorized conversion.- (1) No conversion of a house or plot or site shall be allowed except as approved in the detailed plan of the scheme or building plan.

(2) In case of unauthorized conversion, the Foundation may cancel allotment of such property, after affording an opportunity or personal hearing to the allottee.

27. Freedom of information. - The 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, may be determined by the Foundation. _

28. Relaxation of rules.- The Government may, on the recommendation of the Board, relax any of the provisions of these rules in case of any hardship after recording reasons specifying hardship.

29. Repeal.- (1) The Punjab Government Servants Housing Foundation Rules, 2005 are hereby repealed.

(2) Notwithstanding the repeal of the Punjab Government Servants Housing Foundation Rules, 2005, all matters connected or ancillary to the allocation of houses or cancellation of allocations made before the commencement of these rules shall continue to be dealt under the repealed rules.

**CHIEF SECRETARY
GOVERNMENT OF THE PUNJAB**