

DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 01

MDA (APPOINTMENT AND CONDITIONS OF SERVICE) REGULATIONS, 2016

AIM:

To enforce the MDA (Appointment and Conditions of Service) Regulations 2016.

DETAILS/ EXISTING ARRANGEMENTS:

2. MDA (Appointments and Conditions of Service) Regulations, 1980 has remained enforced and are still under implementation since 1980. Over the period of 36 years, 68 meetings of Governing Body have been held and time to time various amendments have been made in the said Regulations and its schedule. If seen critically, the current schedule of Regulations is full of amendments, tailored promotion channels and abolished posts which were otherwise necessary for smooth functioning of MDA.

3. Across the board, it has been observed that promotion criteria for various posts have been shifted from seniority-cum-fitness basis to mandatory trainings and departmental training examination. Recently the instructions of Government of the Punjab for ensuring merit based promotions basing on mandatory training/promotion exam has been received, which is also being placed for adoption by MDA. The same has also been proposed for almost all the posts whether technical or general cadre so that merit based promotions may be ensured.

4. The regulations include two parts namely appointment and the condition of service for MDA employees and its Schedule. Extensive efforts have been put in for making this schedule practicable. An effort has been made that no post may remain stagnant and mostly post has been given promotion prospects. The same did not exist in the current Schedule. There were many discrepancies as already mentioned above which have also been rectified. Moreover, on creation of Parks & Horticulture Authority Multan, the posts related to PHA have been transferred but the same have not been amended in the said Schedule of Regulations.

5. These Regulations will be effective from 1st July, 2016 along with new Schedule of Establishment. The proposed MDA (Appointment and Conditions of Service) Regulations 2016 along with its Schedule are placed at **ANNEX-A** for discussion.

PROPOSAL:

The proposed MDA (Appointments and Conditions of Service) Regulations, 2016 along with new proposed composition of Promotion and Selection Committees and its Schedule are hereby placed before the forum for consideration / approval, please.

DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 02

RE-ORGANIZATION OF MDA

AIM:

To make MDA an effective Organization by creating new Directorates.

DETAIL OF EXISTING ARRANGEMENT:

2. MDA consists of 04 Directorates and over a period of time the need has been felt that re-organization of MDA is necessary to meet the challenges pertaining to Engineering/Town Planning Directorates. In order to achieve optimum utilization and fruitful results following have been proposed:

- (i) Creation of SPU/PMU, GIS Specialist Branch and separate One Window Cell.
- (ii) Creation of new Directorates namely Traffic & Transportation Engineering (T&TE) Directorate and Urban Planning Directorate.
- (iii) Creation of Chief Engineer Office and Chief Town Planner Office (Creation of the posts of Chief Engineer and Chief Town Planner is subject to the approval from Government).
- (iv) Rationalization and revamping of existing offices.

3. The above mentioned proposal has been prepared on the directions of worthy Chairman MDA (**ANNEX-B**) in order to enhance the efficiency and productivity of MDA. As the Engineering and Town Planning Directorates are the two main sources of income for MDA, therefore, their re-organization is necessary to achieve the set targets. New Directorates have been proposed along with re-designation of various posts for their optimum utilization and efficient performance of MDA. The lack of specialized employees in relevant fields was also the cardinal reason for re-organization and in the newly proposed re-organization; the respective directorates have been equipped with specialized posts. It will surely have an impact on overall productivity of MDA.

4. While preparing this re-organization, it has been considered with concern that minimum new posts be created thereby creating a little financial burden on MDA in terms of their pay and allowances. Earlier there were 637 posts included in the SNE and in the proposed reorganization/SNE the posts have been increased to 686. To meet the financial implications for the increased number of posts, Rs.30.00 million have been allocated in the Budget of 2016-17. Office wise strength of the newly proposed directorates is placed at **ANNEX-C**.

PROPOSAL:

The proposed re-organization of MDA and SNE of each office is hereby placed before the forum for consideration/approval, please.

DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 03

BACKGROUND: DEPARTMENTAL PROMOTION / SELECTION COMMITTEE MEETING

AIM:

To resolve the issue which was created by the then Resident Director Audit, MDA regarding promotion of officials of MDA under the chairmanship of the then Additional Director General MDA.

DETAILS/EXISTING ARRANGEMENTS:

2. 47th meeting of MDA Governing Body was held on 29-7-2006, whereby the powers of Additional Director General MDA were approved. According to S.No.1 of the powers, incumbent is competent to appoint employees of BS-17. The meeting of DPC was held on 13-3-2014 under the chairmanship of Additional Director General MDA with the members who have already been designated as member of the DPC headed by the Director General MDA. The Audit raised objection that the constitution of committee under the chairmanship of Additional Director General MDA was incorrect. He, vide noting dated 27-5-2014 suggested that approval of DG may be obtained. The requisite approval was obtained from the Director General on 10-6-2014. The Audit again demanded that the matter may be placed before the Governing Body of MDA which was placed in its 64th meeting under item No.3. The House directed to refer the case to Government for advice.

3. This office referred the case to Government. Meanwhile the RDA MDA withdrew audit requisition vide his letter No.10/RDA/MDA dated 14-1-2015. Consequent upon the withdrawal of audit requisition, this office has reported to Government about the situation of the audit requisition vide letter No.273 dated 03-4-2015. As such the above issue has been resolved and there is no need to wait for the advice from Government.

PROPOSAL:

4. The matter is placed before the Governing Body of MDA for consideration.

RECOMMENDATIONS:

5. As explained above, the matter may be declared as settled.

DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 04

BACKGROUND: REGULARIZE THE MATTER OF MR. GHULAM HUSSAIN, DAFTRI RETIRED REGARDING LAB ATTENDANT/BS-1 TO NAIB QASID/BS-1

AIM:

To resolve the issue which was created by the Resident Director Audit MDA.

DETAILS/EXISTING ARRANGEMENTS:

2. Mr. Ghulam Hussain s/o Karim Bukhsh Daftri/BS-4 has been retired from service on 31-8-2015. His pension papers along with service book were referred to RDA MDA for issuance of Pension Payment Order. The Audit observed that the official was initially appointed as Lab Attendant/BS-1 on 03-06-1981, then he was shown as Naib Qasid on 01-07-1987.

3. The official was appointed as Lab Attendant/BS-1 in Inspection Cell MDA which was dissolved and the staff was transferred in SO (T) Office and in Division No. IV. Being the same pay scale, in the Budget for the year 84-85 the post of Lab Attendant was shown as Naib Qasid.

PROPOSAL:

4. The matter is placed before the governing body of MDA with the request that re-designation of the post of Lab Attendant/BS-1 as Naib Qasid/BS-1 may be approved with retrospective effect as an individual case to facilitate the pensioner.

RECOMMENDATIONS:

5. The above proposal is submitted for consideration and approval please.

DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 05

POWERS OF ADDITIONAL DIRECTOR GENERAL MDA

AIM:

To delegate the powers to Additional Director General, MDA.

DETAIL & PROPOSAL:

2. The incumbent of the post of Additional Director General, MDA is working efficiently and overall supervision of each Directorates of MDA including WASA is being done by him as the charge of the post of Director General, MDA is with the Commissioner, Multan Division and he remained very busy in administrative work of all Districts of Multan Division. To minimize the load of office work upon the Director General, MDA and to expedite the process flow, it is proposed that the assignment may be shared between them as per the existing Delegation of Powers under Serial No.32. The Director General, MDA is exercising the powers which are reproduced as under:-

“To sanction all type of advances to the Authority’s employees subject to the budget allocation”.

3. As discussed above, the Additional Director General, MDA may be empowered to sanction advances to MDA employees and their respective adjustment/regularization for an amount up to Rs.50,000/-

RECOMMENDATIONS:

4. The above proposal is submitted for consideration and approval please.

DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 06

POWERS OF ADDITIONAL DIRECTOR GENERAL MDA

AIM:

To delegate the powers to Additional Director General, MDA.

DETAILS/EXISTING ARRANGEMENTS:

DETAIL & PROPOSAL:

2. In 47th meeting of MDA Governing Body which was held on 29-7-2015 whereby the powers of Additional Director General MDA were approved. According to S. No.1, the incumbent is competent to make appointment including transfer, promotion and punishment in grade 17.

3. It is proposed that the Additional Director General MDA may be given the following powers:-

- i. To make appointments including transfer, promotion and punishment in grade 16 and 17.
- ii. To reimburse the medical charges up to Rs.50,000/-
- iii. The Director Finance & Admin MDA will be competent to appoint, promote, suspend and punish any servant of the Authority whether temporary or permanent in BS-15 and below.

4. The same has also been proposed in new Schedule / Regulations.

RECOMMENDATIONS:

5. The above proposal is submitted for consideration and approval please.

DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 07

INCENTIVE AND REWARD POLICY – 2016

INTRODUCTION:

Incentives and Rewards are an appreciation or promise for better work. It is also called as a stimulus to extra efforts. They provide spur and zeal in the employees for better performance. Because a motivated workforce can be a significant factor in organizational success. When employees are motivated to work at higher levels of productivity, the organization as a whole runs more proficiently and is more effective at reaching its goals. This philosophy become more relevant in Government Organizations where employees lack enthusiasm and have capacity issues. In that scenario, it becomes imperative for the administrators to introduce a scheme for willing workers to recognise their efforts and create a competitive environment. MDA Multan being an authority also needs a reward regime for its willing workers so that they are further motivated to achieve more than given targets and work towards betterment of the organization.

AIM:

2. To introduce a comprehensive reward and incentive awarding policy in MDA, Multan for extraordinary performing employees of the organization to recognise their efforts and create a competitive working atmosphere.

INCENTIVE:

3. MDA, Multan is a large organization having more than 500 employees on its payroll. It's difficult to select any employee on general performance so concept of Profit Sharing is being recommended to make it more meaningful and covering all the important offices of MDA directorates. Policy is further elaborated as under:-

OFFICES:

a.	Administration Branch. Rs.5000/case if a Retirement / Pension case is processed and decided before 3 months of retirement of any employee including enquiries, audit recoveries etc.
b.	Finance Branch. One month basic salary to budget making team if new budget is made and got approved from competent forum within time.
c.	One Window Cell. Rs.50/Application disposed of within given time however, Rs.25/application shall be subtracted which were not disposed of within stipulated time by the end of month.

d.	Town Planning Directorate: i. 5% of fine or penalty in every case. ii. 1% of commercialization collected more than given / average month / annual target. iii. 5% of PPP of PHSs/LSD if case processed and got approved within 6 months of the submission of application. iv. 2% of approval fee of PHSs/LSD if case processed and got approved within 6 months of the issuance of the PPP.
e.	Estate & Land Management Directorate: i. 5% of fine or penalty in every case. ii. Rs.500/- per transfer of plot / land case. iii. Rs.500/- for Legal branch against every contested case decided in the favour of MDA.
f.	Engineering Directorate: i. 1% of the Deposit Work Project or half of departmental charges whichever is more however Honoria shall not be more than 5 million in any case on fulfilment of following conditions if the project:- 1. Is completed within stipulated time. 2. Estimated quality is ensured. T&TE Branch. ii. Rs.3000/NOC granted as per SOP/Guidelines and within time.

SHARES FOR EMPLOYEES:

4. For the distribution of incentive money, shares among the officials shall be calculated on the basis of their basic pay with following ratio:-

- | | | |
|----|--------------------------|-------------------------|
| a. | Officers BS-17 & above | 50% of their basic pay |
| b. | Officials in BS-11 to 16 | 100% of their basic pay |
| c. | Officials upto BS-10 | 150% of their basic pay |

DESERVING OFFICIALS:

5. Only those officials shall be included for receipt of the Honorarium, who are fully involved in activity, approval, monitoring or signatories in activity/project. Furthermore, a list of designated recipients for every office and for every incentive/honorarium shall be notified by Director (Finance & Admin) after approval from Director General MDA.

CLAIM POLICY:

6. After completion of every above mentioned case or activity, every Deputy Director shall submit a Reward claim case to Director (F&A) MDA along with relevant documents/proof after 5th of every month. All claims shall be scrutinized by the committee comprising of following members and they shall be processed and cleared within a week in the shape of individual cheques:-

1. Director Finance & Admin, MDA.

2. Deputy Director Finance, MDA.
3. Concerned Director.
4. Assistant Director Finance, MDA.

EXCLUSION:

7. As the essence of the policy is strictly to appreciate hardworking employees of MDA so to make it more rewarding, it should be ensured by the Director Finance & Admin that the following types of officials are not employed at respective posts which are supposed to get share of reward / Honorarium. Furthermore, following officials will not get the share:-

- a. Major penalty holder under PEEDA Act.
- b. Posted for more than 3 years at one post.
- c. Involved in personal trade / business.

GENERAL HONORARIUM:

8. There will be a number of officials of MDA who may not form part of above profit sharing reward regime, so to appreciate their efforts for the organization, an honorarium exercise shall be conducted on six monthly basis in which maximum one employee of each office (minimum AD level) and one officer of each directorate shall be awarded maximum to one basic pay. Following may be the members of selection committee for the task:-

- a. Additional Director General.
- b. All Directors/Chiefs.
- c. Deputy Director Admin.

REMOVAL OF DOUBT:

9. In case of any conflict or doubt, decision of Director General shall be final in respect of number, name and share of recipients for the Reward/Honorarium.

DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 08

RE-FIXATION OF PENSION

BACKGROUND:

2. All the Government notifications issued time to time are to be adopted in Governing Body of MDA.

AIM:

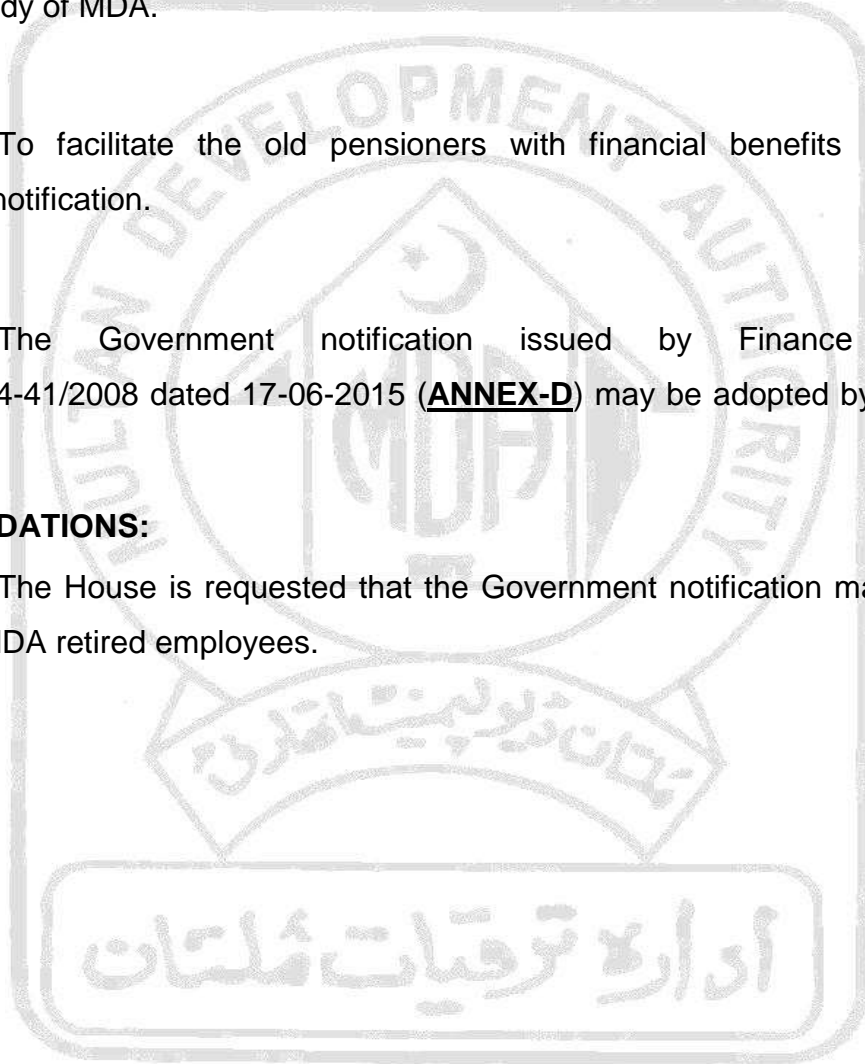
3. To facilitate the old pensioners with financial benefits in the light of Government notification.

PROPOSAL:

4. The Government notification issued by Finance Department's No.FD.SR.III/4-41/2008 dated 17-06-2015 (**ANNEX-D**) may be adopted by the Governing Body.

RECOMMENDATIONS:

5. The House is requested that the Government notification may be approved to adopt for MDA retired employees.



DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 09

GRANT OF PH.D / D.SC. AND M. PHIL ALLOWANCE

AIM:

To grant Ph.D / D.Sc. and M. Phil Allowance.

DETAILS/EXISTING ARRANGEMENTS:

2. The MDA has adopted The Punjab Civil Servants Pay Revision Rules, 1977 and paying salaries to its employees according to the policy of Government of the Punjab, Finance Department. The Government has granted Rs.10,000/- p.m. and Rs.5,000/- p.m. special allowance to the employees who hold the degree of Ph.D and M.Pil respectively. The policy circulated through letter No.FD.SR-I-9-21/2011 dated 01-04-2013.

3. The Government issued another letter No.FD.SR-I/9-47/2013 dated 01-10-2013 (**ANNEX-E**) with reference to above policy according to that the Government extend the facility of M.Phil Allowance @ 50% of Ph.D Allowance to all Government Servants across the board working under the administrative control of Government of the Punjab subject to the condition that they acquire the M.Phil degree from the recognized Universities of Higher Education Commission with immediate effect.

PROPOSAL:

4. It is proposed that the above policy may please be adopted in MDA / WASA for its employees as per terms & conditions laid down as per above government letter.

RECOMMENDATIONS:

5. The matter is placed before the Governing Body for consideration and approval please.

DIRECTORATE OF FINANCE AND ADMINISTRATION
ADMIN BRANCH

AGENDA NO. 10

GRANT OF PROMOTION TO TRACERS/BS-5 TO THE POST OF JUNIOR DRAFTSMAN/BS-11

AIM:

To compensate the Tracers (BS-5) by giving them promotion to the post of Junior Draftsman (BS-11) in relaxation of rules and policy.

DETAIL OF EXISTING ARRANGEMENT:

2. According to MDA (Appointments & Conditions of Service) Regulations, 1980 the post of Draftsman is filled in by following method:-

S#	Name of post	BPS	Appointing Authority	Minimum Qualification for initial Appointment	Method of Recruitment	Age (in years)
1.	Draftsman	13	Director Admin	Matric with two years Diploma in Civil/ Architectural Draftsman with Certificate of Auto-Cad."	i. 75% by initial recruitment. ii. (a) 25% by promotion amongst the Draftsman of BS-10/09 with 05-years service on the basis of seniority cum-fitness. (b) By promotion amongst the Tracers (BS-5) with qualification as prescribed for initial recruitment with 5 years service on the basis of seniority cum-fitness.	18-25

3. This method of promotion was proposed and adopted vide 62nd Governing Body meeting of MDA held on 07-09-2013. Feeling aggrieved of the new method the present incumbents who were wearing above 20 years service went to the Court of Law. Presently the case has been withdrawn by the incumbents and as such it is not pending in the Court of Law as the incumbents were persuaded not to pursue the litigation.

4. In the new proposed Schedule of Establishment MDA (Appointments, promotion & Conditions of Service) Regulations, 2016, the post of Tracer has been abolished and following method of recruitment has been made for Junior Draftsman (BS-11):-

"100% by initial recruitment having qualification of D.A.E in Architecture or 2 years diploma in Draftsman (Civil) with certificate of Auto-Cad 2D/3D from a PBTE affiliated institute."

5. If the above mentioned method of recruitment and Schedule of MDA Regulations are approved, the present incumbents in post of Tracer will be deprived of for further promotion and thereby it will have a demoralizing effect. It is pertinent to mention here that present incumbents by virtue of their service and employment are discharging their duties as Draftsman efficiently.

6. Foregoing in view, if the present incumbents are promoted to the post of Draftsman (BS-13) as one time compensation in relaxation of rules and policy. It will not only fill the vacancies of Draftsman but the promotion will also be granted to the present incumbents. However, for further promotion to higher post, they will be bound to complete the requisite training from Government institutes.

Vacancy Position:

7. Following is the vacancy position:-

S#	Name of post	Sanctioned	Filled	Vacant
1.	Tracer (BS-5)	09	08	01
2.	Draftsman (BS-13)	09	02	07

8. As the posts will be abolished in new proposed Regulations, therefore, the incumbents will be adjusted easily and no post will remain vacant. This will also have an impact on the overall efficiency of Organization.

PROPOSAL:

9. It is proposed that as a one-time compensation to the present incumbents in the post of Tracer, they may be promoted to the post of Draftsman (BS-13) in relaxation of rules and policy as envisaged vide Regulation 25 of 2016 Regulations.

RECOMMENDATIONS:

10. Proposal is placed before the Governing Body for consideration and approval, please.

DIRECTORATE OF ENGINEERING

AGENDA NO: 11

TIME EXTENSION FOR COMPLETION OF THE WORK CONSTRUCTION OF ROADS, WATER SUPPLY, SEWERAGE SYSTEM, BOUNDARY WALL AND OVER HEAD RESERVOIR WORK FATIMA JINNAH TOWN PHASE-I ALLOTTED TO M/S NAZIR & CO.

BACK GROUND:

The work for the construction of roads, water supply, sewerage system, boundary wall and overhead reservoir was allotted to M/s Nazir & Co (Pvt) Limited amounting to Rs. 945.72 Million vide letter No. 4510/DE/MDA dated 08-11-2007. The work could not be started for one year after its allotment due to standing crops on the land, late announcement of award of land and existing sullage carrier of disposal station of Vehari Road. Later on, in 2010 Noubahar Canal got breached which inundated the whole scheme area and damaged the work done by the contractor due to which the completion of the work get delayed.

2. Lastly, the time extension for completion of work was granted upto 31-12-2014 in its 63rd Meeting held on 25-09-2014 with the condition that if the completion of the work gets delayed, penalty of Rs. One Lac per day would be imposed on the company w.e.f. 01-01-2015. The completion of work could not be achieved upto 31-12-2014. Consequently Rs. 90 lacs were deducted as penalty from the running bill paid to contractor in April 2015. The work of the Fatima Jinnah Town Phase-I has been completed by the contractor on 31-07-2015 (after approximate 19 months).

3. The contractor has now requested that penalty already imposed may be waived off and time limit be extended upto 31-07-2015 as quantities of the work have increased from allotted quantities about 15% to 20%.

AIM:

4. Consideration for grant of time extension upto 31-07-2015 to contractor for completion of work as per his request.

DETAIL EXISTING ARRANGEMENTS:

5. The work stands completed at site. The liabilities of contractor are still to be cleared; meanwhile the contractor has filed an application for grant of time extension upto 31-07-2015 and waiver off penalty already imposed.

PROPOSAL:

6. Time period for completion of the contract may be extended upto 31-07-2015 in view of request of the contractor after due deliberation.

RECOMMENDATIONS:

7. As the contractor has completed his work upto 31-07-2015, the time extension may be granted from 01-01-2015 to 31-07-2015. The decision regarding penalty imposed may be taken after due deliberation.

DIRECTORATE OF ENGINEERING

AGENDA NO. 12

REVISED ADMINISTRATIVE APPROVAL OF ROUGH COST ESTIMATE FOR DEVELOPMENT OF FATIMA JINNAH TOWN PHASE-I VEHARI ROAD MULTAN

BACKGROUND:

Fatima Jinnah Town Phase-I was administratively approved for Rs.1492.168 million by the MDA's Governing Body held on 29-07-2006 which was amended for Rs.1618.055 by the Governing Body held on 16-04-2007. The scheme was afterwards revised for Rs.2899.579 million in its 58th Governing Body meeting held on 23-01-2012.

2. Now, the work of the scheme has almost been completed. A grid station of 132 Kv is to be provided for the scheme as per requirement of MEPCO. The provision of the same is required to be made in Revised Rough Cost Estimate of the scheme. Thus a Revised Rough Cost Estimate with provision of Grid Station has been prepared amounting to Rs.3076.016 million for its approval.

AIM:

- i. To provide share cost of Rs.187 million for a new independent 132 Kv Grid Station for the scheme as per demand of MEPCO.
- ii. To cover variation observed for different items of work as per site requirements.

DETAIL/EXISTING ARRANGEMENTS:

- i. Fatima Jinnah Town Scheme is presently connected with the existing 132 Kv Grid Station of MEPCO Vehari Road Multan which would not be able to accommodate the increasing load of this huge housing scheme on permanent basis.

PROPOSAL:

- i. Approval of sharing cost for construction of 132 KV Grid station exclusively for the scheme by MEPCO Multan.
- ii. Variation of quantities of different items of work provided in the Rough Cost Estimate are proposed to be approved.

RECOMMENDATIONS:

3. The Revised Rough Cost Estimate amounting to Rs.3076.016 million is placed before Governing Body for grant of approval please as Authority has power to modify the scheme vide Section 13 of the Punjab Development of Cities Act, 1976.

DIRECTORATE OF ENGINEERING

AGENDA NO. 13

ISSUANCE OF NOC REGARDING TIAS OF NON-RESIDENTIAL BUILDING IN THE AREA OF JURISDICTION OF ALL BUILDING CONTROL AGENCIES OF MULTAN DISTRICT

BACKGROUND:

Governing Body of MDA has decided in its 56th and 68th meeting held on 06-10-2015 and 10-02-2016 respectively that NOC regarding TIAS of non-residential buildings as required under clause No. 10.3.3(h) of Punjab Building & Zoning Regulations 2007 will be issued by T&TE Cell, Directorate of Engineering MDA on payment of prescribed fee in the area of jurisdiction of MDA. This decision has been implemented by T&TE Cell, Directorate of Engineering MDA in its jurisdiction.

AIM:

2. Aim of this agenda is to extend the jurisdiction of T&TE Cell, Directorate of Engineering MDA in respect of issuance of TIAS NOC to all the Building Control Agencies i.e. TMAs / Municipal Corporation Multan / District Council Multan and PHATA etc. working in Multan District.

PROPOSAL:

3. The capacity building of T&TE Cell, MDA has recently been made in respect of processing and issuance of TIAS NOC for non-residential buildings. It has further been planned to upgrade the T&TE Cell into Directorate of Traffic Engineering & Transport Planning MDA. As no other agency of Multan has expertise in Transportation Engineering other than MDA, therefore, it is proposed that TIAS NOC in the jurisdiction of all building control agencies of Multan District should be issued by T&TE Cell, Directorate of Engineering MDA on already approved terms and conditions including fee charges.

RECOMMENDATIONS:

4. The above mentioned proposals is placed before the Governing Body of MDA for kind consideration and approval please.

DIRECTORATE OF TOWN PLANNING

AGENDA NO. 14

BUILDING CONTROL ROAD ON ALL AROUND QILA KOHNA QASIM BAGH

BACKGROUND:

Multan is an old and important city with rich and historic heritage. Famous shrine of Hazrat Baha-ud-Din Zakariya and Hazrat Shah Rukn-e-Alam are located in Qila Kohna Qasim Bagh in the heart of city. It is seen that despite apparent positive result of modern development practice in surrounding of the shrines, the negative consequences of development for the environment have also been seen. The surrounding of the Qila Kohna Qasim Bagh is also hub of trade activity for whole region.

2. Qila Kohna Qasim Bagh / Fort was built on detached rather, high mound of earth spread from the city by the bed of old branch of River Ravi. The Fort stands on the highest part of the mound on which the town is built and has declared the national heritage property. It has also become the attracted spot for tourism in the whole region.

3. Considering the high value heritage, it is recommended that MDA Governing Body may consider the following points and the building control of all surrounding roads be given to MDA. Partial modification may kindly be made in Agenda item No.15 approved by the MDA Governing Body meeting held on 10-10-2016 (**ANNEX-F**).

AIM:

4. Multan Fort / Qila Kohna Qasim Bagh is a high value of heritage and land mark of Multan, it should be visible from all sides. Therefore, building control of all roads along Qila Kohna Qasim Bagh be given to MDA for better control.

PROPOSAL:

5. Working Paper is placed before the Governing Body meeting of MDA to allow building control of the mentioned segment by declaring controlled road of MDA.

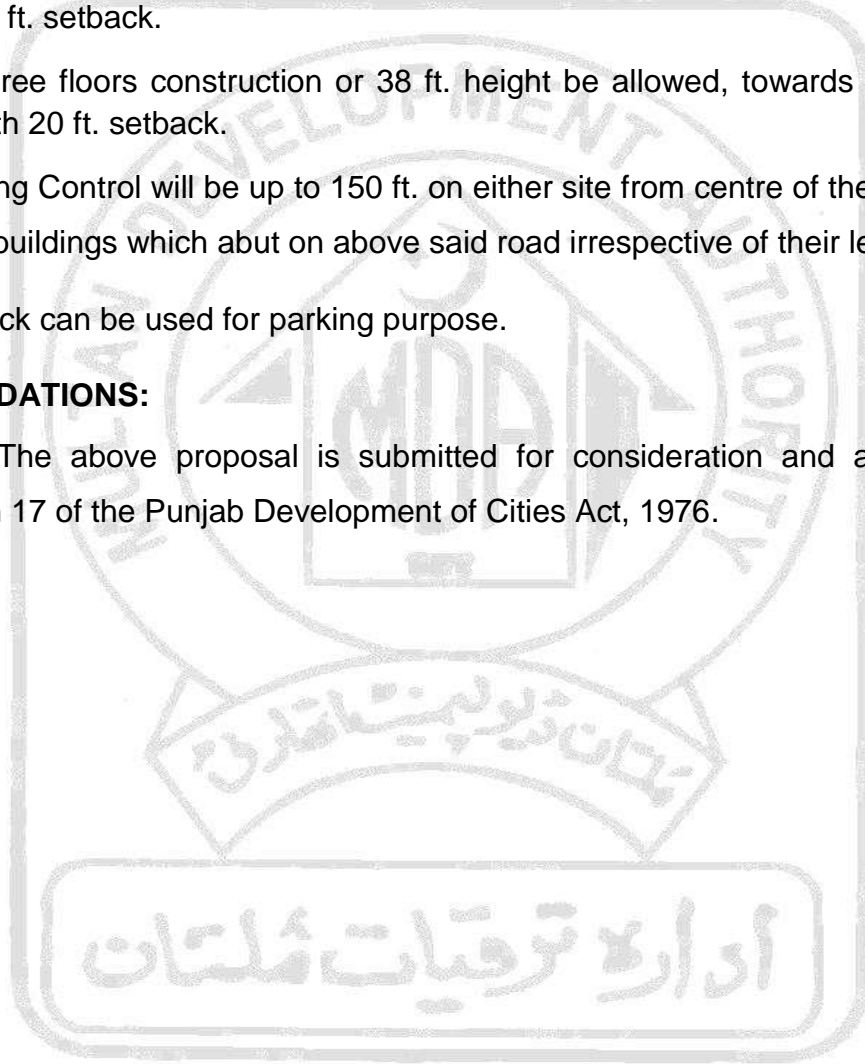
Building control on:

1. Hussain Agahi Road (from Lohari Gate to Daulat Gate):
 - a) No construction be allowed, beyond two floor or above 25 ft. height in Hussain Agahi along Qila Kohna Qasim Bagh with compulsory 20 ft. setback subject to NOC from Parks & Horticulture Authority.
 - b) Three floors construction or 38 ft. height be allowed towards other side with 20 ft. setback.

2. Water Works/Younas Shaheed Road (from Ghanta Ghar upto Afshar Chowk):
 - a) No construction be allowed beyond two floor or 25 ft. height towards along Qila Kohna Qasim Bagh subject to NOC from Parks & Horticulture Authority.
 - b) Three floors construction or 38 ft. height be allowed with 30 ft. setback on other side up to Afshar Chowk.
3. Eid Gah Road from Afshar Chowk to Daulat Gate:
 - a) No construction be allowed beyond two floor or 25 ft. height with compulsory 20 ft. setback.
 - b) Three floors construction or 38 ft. height be allowed, towards opposite site with 20 ft. setback.
4. Building Control will be up to 150 ft. on either side from centre of the road and all such buildings which abut on above said road irrespective of their length.
5. Setback can be used for parking purpose.

RECOMMENDATIONS:

6. The above proposal is submitted for consideration and approval please under Section 17 of the Punjab Development of Cities Act, 1976.



DIRECTORATE OF TOWN PLANNING

AGENDA NO. 15

SPECIAL BUILDING BYLAWS OF METRO BUS ROUTE

BACKGROUND:

MDA has taken up the Building Control of Metro Bus Route which was notified after approval of Governing Body of MDA.

2. Following segment of the road on the Metro Bus Route have been categorized for implementation of Building Bylaws as per the ground realities:

1. BZU Multan to Chungi No.9.
2. Chungi No.9 to Daulat Gate.
3. Daulat Gate to BCG Chowk.
4. BCG Chowk to Vehari Chowk.
5. Vehari Chowk to Chowk Kumharanwala via underpass.

AIM:

3. To make special viable Building Regulations of Metro Bus Route according to cultural heritage and view of Qila Qasim Bagh should not be blocked due to high-rise building around.

DETAILS/EXISTING ARRANGEMENTS:

4. It is brought into the notice that MDA has already got approved of Building Bylaws from last Governing Body meeting and published in the Punjab Gazette Notification dated 18-03-2016. Following segment of Metro Route was the part of that approval and notification:

1. BZU Multan to Chungi No.9.
2. BCG Chowk to Vehari Chowk.
3. Vehari Chowk to Chowk Kumharanwala via underpass.

But following Road Segment's Building was not approved:

1. Chungi No.9 to Daulat Gate.
2. Daulat Gate to BCG Chowk.

Proposed Special Bylaws of these 2 segments placed are at **ANNEX-G**.

PROPOSAL:

5. Working Paper is placed before the Governing Body of MDA to approve Special Building Regulations of these 2 segments of Metro Bus Route.

RECOMMENDATIONS:

6. The working paper placed before the Governing Body for approval please.

DIRECTORATE OF TOWN PLANNING

AGENDA NO: 16

DECLARATION OF UN-DECLARED 4 ROADS OF MULTAN CITY UNDER MDA CONTROLLED FOR LAND USE CONVERSION

BACKGROUND:

Illegal Land use conversion on MDA controlled Roads is carried out by the different owners without approval of MDA and MDA is can neither recover Land Use Conversion fee nor approved the building due to status of the road and not declared for land use conversion.

AIM:

2. To regularize illegal Land Use Conversion on MDA controlled Roads.

DETAILS/EXISTING ARRANGEMENTS:

3. Working Paper under Agenda item No. 2 for declaration of Un-declared 7 Roads of Multan under MDA controlled for Land Use conversion was discussed in 68th MDA's Governing Body meeting held on 10-12-2016. The Governing Body declared 3 Roads for Land Use Conversion and constitutes a Sub-Committee for 4 Roads on the following members: -

- | | |
|--|----------|
| 1. Additional Director General MDA | Convener |
| 2. Mr. Abdul Qadir, Architect | Member |
| 3. Mr. Aftab Ahmad, Architect/Town Planner | Member |

The Sub-Committee will give recommendations for consideration & decision in the next Governing Body meeting on the following roads of declaration:-

S#	Name of Road	Land Use Conversion
1.	60 ft wide road of Shah Rukn-e-Alam Colony	20%
2.	Old Shujabad Road	20%
3.	70 ft wide road of New Shah Shams Colony	20%
4.	Askariya Bypass Road has very much potential for land use conversion and illegal land use conversion is taking place.	50%

The Sub-Committee meeting held on 26-03-2016 in the office of Additional Director General, MDA Multan. Minutes of meeting is at **ANNEX-H**.

PROPOSAL:

4. Governing Body is requested to approve recommendations of Sub-Committee to regularize the illegal land use conversion.

RECOMMENDATIONS:

5. The matter is placed before the Governing Body for consideration & approval please.

DIRECTORATE OF TOWN PLANNING

AGENDA NO: 17

SPECIAL BUILDING BYELAWS OF NORTHERN & SOUTHERN BYPASSES

BACK GROUND:

**IMPLEMENTATION OF HON'BLE HIGH COURT DECISION
IN WRIT PETITION NO.5625/2015**

It is submitted that Special Building Byelaws of Northern & Southern Bypasses were notified vide NO.D-34/1117/DTP/MDA dated 12-11-2012. The Hon'ble High court has set aside this Notification in above said Writ Petition. Notification is placed at **ANNEX-J** and decision is placed at **ANNEX-K**.

2. In compliance of order of Hon'ble High Court decision, the said notification needs to be withdrawn.

PROPOSAL:

3. Working Paper is placed before the Governing Body for confirmation please.

RECOMMENDATIONS:

4. The working paper placed before the Governing Body for approval.

DIRECTORATE OF TOWN PLANNING

AGENDA NO: 18

COMPOUNDING OF VIOLATIONS OF SANCTIONED BUILDING PLANS

BACKGROUND:

The subjected item was put up in last Governing Body Meeting which was deferred that rates should be reviewed. Proposed rates have been discussed by all Town Planning Officers in length and also compared with LDA compounding rates for violations, which are half than LDA's rate. So these proposed rates are again put up before Governing Body for approval.

NOTE: No violation in front setback of residential or commercial building will be compounded.

AIM:

2. To regularize the violations of approved Building Plans.

FINES AND PENALTIES:

	<u>Existing</u>	<u>Proposed</u>
1. The construction that violates space regulations: Residential a) On ground floor b) On first and subsequent floors Commercial a) On ground floor b) On first and subsequent floors	Rs. 150/ - per Sft Rs. 225/ - per Sft Nil	Rs. 250/ - per Sft Rs. 350/ - per Sft Rs. 400/ - per Sft Rs. 600/ - per Sft
2. The construction that does not violate space regulations but is in excess of the limits prescribed for covered area a) Ground coverage b) Floor area ratio (F.A.R)	Rs. 90/ - per Sft Rs. 135/ - per Sft	Rs. 150/ - per Sft Rs. 200/ - per Sft
3. Construction of storey's or part of storey's in excess of the authorized number of storey's.	Rs. 225/ - per Sft	Rs. 500/ - per Sft
4. Construction of inter-floor in living rooms that reduces in whole or part of the minimum height prescribed for living rooms.	Rs. 120/ - per Sft	Rs. 150/ - per Sft
5. Construction of inter-floors or balconies in rooms meant for ancillary use that reduces in whole or part of minimum height prescribed for such rooms.	Rs. 30/ - per Sft	Rs. 50/ - per Sft
6. Construction of inter-floors or balconies or galleries in shops that reduces in whole or part of the minimum height prescribed for the shops.	Rs. 90/ - per Sft	Rs. 150/ - per Sft
7. Construction of a projection, sunshades, cantilever or in excess of the prescribed limit for such projections.	Rs. 60/ - per Sft	Rs. 100/ - per Sft
8. Construction of a basement, with a height less than prescribed limit.	Rs. 30/ - per Sft	Rs. 50/ - per Sft
9. Reduction, in width of shop(s) in violation of the approved plan in order to incorporate the number of shops but without other inner violation.	Rs. 60/ - per Sft of the floor area of the original shop(s)	Rs. 100/ - per Sft

NOTES:

- i. In case where the owner does not apply for compounding the offence committed by him/her or fails to pay penalty at the prescribed rates plus composition fee,

it shall be open to the MDA (or any person authorized by MDA on its behalf) to demolish the offending structure as provided under section 39 of The Punjab Development of Cities Act 1976.

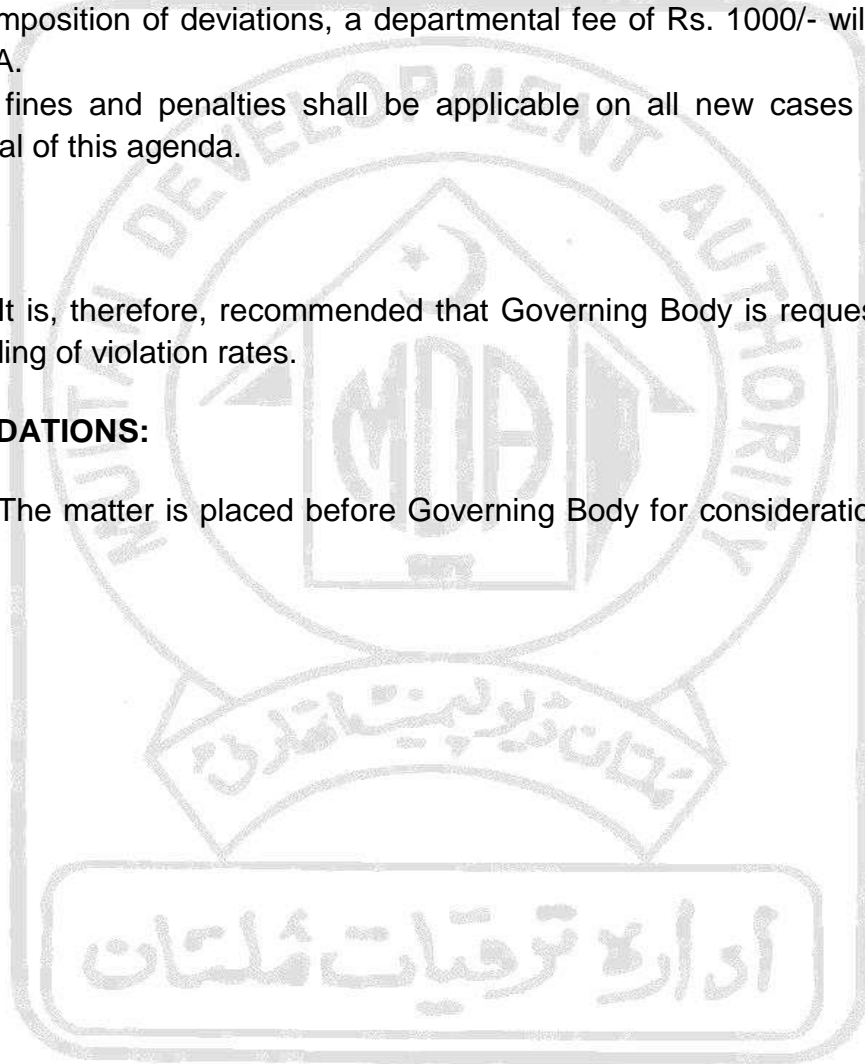
- ii. In case where unauthorized construction is underway, it shall be open to MDA (or any person authorized by MDA on its behalf) to decide whether the offence should be compounded or the offending structure be demolished and if construction is continued / pending such decision, after service of a notice, a daily fine upto Rs. 500/- may be imposed in addition to any other penalty after service of notice under Section 39(i).
- iii. For composition of deviations, a departmental fee of Rs. 1000/- will be chargeable by MDA.
- iv. These fines and penalties shall be applicable on all new cases submitted after approval of this agenda.

PROPOSAL:

3. It is, therefore, recommended that Governing Body is requested to approve the compounding of violation rates.

RECOMMENDATIONS:

4. The matter is placed before Governing Body for consideration and approval please.



DIRECTORATE OF TOWN PLANNING

AGENDA NO: 19

TO SETTLE THE COMMERCIALIZATION OF PLOT NO.12, ABDALI COLONY, MULTAN

BACK GROUND:

The owner of Plot No. 12-Abdali Colony Mr. Wajahat Abrar S/o Maj. Ibrar Khan rented out his property to Lever Brothers in the year 2000, therefore, notices under section 39(i) & 39(ii) of Punjab Development of Cities Act, 1976 was served and challan also be sent in the court of S.J. Magistrate.

AIM:

2. To settle the PAC Para.

DETAILS/EXISTING ARRANGEMENTS:

3. The owner submitted an application to DG, MDA dated 20-01-2001 for temporary commercialization of his plot. In response to his application, this office intimated to the owner that he applied for commercialization and payment the commercial fee of whole plot. In the meanwhile, the owner filed a Writ Petition bearing No.2481/03 in the Hon'able Lahore High Court, Multan Bench, Multan. The Hon'able High Court decision is as under:-

“Learned counsel for the Respondent-MDA has no objection if the matter is remitted to the Commercialization Committee for considering the grievance of the petitioner voiced through the instant petition after due deliberation in the light of the rules and policy.

In view of the above, the matter is remitted to the Commercialization Committee of Multan Development Authority for its decision in accordance with law/rules and policy, if any, within one month from the receipt of this order, after considering the grievance of the petitioner. Till the decision of the Committee no recovery shall be made in pursuance of letter dated 11-6-2003 issued by the Deputy Director Town Planning, MDA.”

4. In compliance of decision of Hon'able High Court, the owner submitted an application on 30-04-2009 requesting for commercialization. During this Audit Team made

a Audit Para for permanent commercialization amounting to Rs. 37,85,799, which has been converted into PAC. In last PAC Committee meeting, it was briefed that due to residential property, premises cannot be sealed. The PAC committee accepted point of view of MDA that the temporary commercialization for usage of property may be recovered from the owner of property from 25-5-2000.

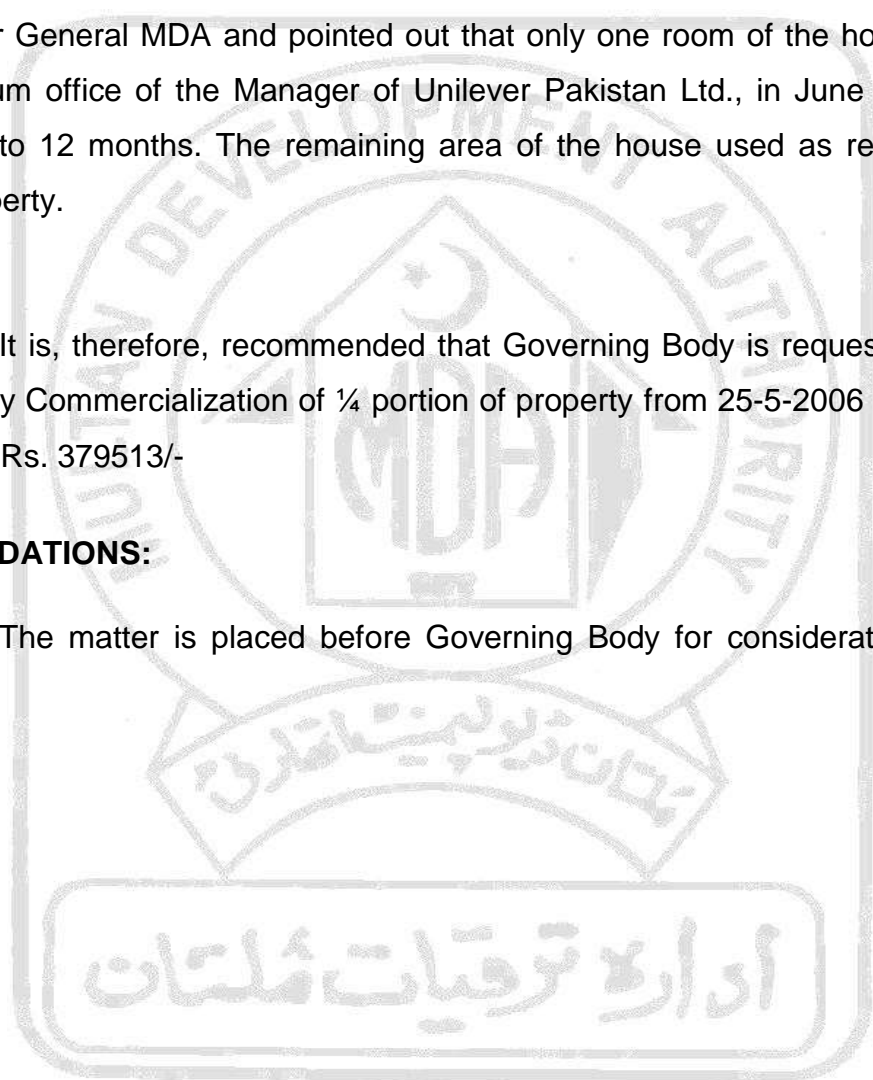
5. In the light of direction of Hon'able High Court, the owner appear before the Addl: Director General MDA and pointed out that only one room of the house is used as Residence cum office of the Manager of Unilever Pakistan Ltd., in June 2000. His stay was only 10 to 12 months. The remaining area of the house used as residence by the owner of property.

PROPOSAL:

6. It is, therefore, recommended that Governing Body is requested to approve the Temporary Commercialization of ¼ portion of property from 25-5-2006 upto 29-4-2009 amounting to Rs. 379513/-

RECOMMENDATIONS:

7. The matter is placed before Governing Body for consideration & approval please.



DIRECTORATE OF TOWN PLANNING

AGENDA NO: 20

**CLARIFICATION REGARDING IMPLEMENTATION OF AMENDMENTS
IN BUILDING BYELAWS NOTIFIED, VIDE GAZETTE NOTIFICATION
DATED 18-03-2016**

BACKGROUND:

The Governing Body in its 68th meeting held on 10-02-2016 approved the amendments in Building Byelaws 2007 Special Byelaws of controlled roads which were notified vide Gazette Notification dated 18-03-2016.

AIM:

2. Needs clarification regarding implementation of Amended Byelaws on under process cases which were submitted before the notification of these Byelaws. Amended Byelaws would be applicable on the under process cases or not.

DETAIL / EXISTING ARRANGEMENTS:

3. Before the notification dated 18-03-2016 (**ANNEX-L**) of amended Byelaws 2007 and Special Byelaws of controlled roads, a number of cases of Building Plan situated at controlled roads were under process in Town Planning Directorate. At the time of submission of these cases, it was the regulation that setback area was allowed to be used as parking. But now, it has been amended and notified that setback area shall not be allowed for parking, it has provide with respect to covered area other than the area of setback. There is no as such clarification in the amended bylaws that these amendments shall be applicable on under process cases or not. Moreover, it should be allowed that setback area could be considered for calculation of parking area on controlled roads of MDA.

PROPOSAL:

4. It is therefore, recommended that Governing Body is requested to:
- i. Town Planning Directorate shall be allowed to process / approve the cases of building plans which were submitted before the date of notification (18-03-2016) as per previous byelaws.
 - ii. Approval be granted that setback area shall be used as parking on controlled road of MDA and in MDA schemes used for commercial purpose. Setback area be calculated for requisite parking area.

RECOMMENDATIONS:

5. The matter is placed before Governing Body for consideration of approval please.

DIRECTORATE OF ESTATE & LAND MANAGEMENT

AGENDA NO: 21

SUBJECT/BACKGROUND:

Tenancy of Zakariya Shopping Center Hussain Agahi and shops of Ladies Park, Gulgasht Colony, Multan.

AIM:

2. Execution of tenancy agreement with the tenants/occupants of Zakariya Shopping Center and shops of Ladies Park, Gulgasht Colony, Multan.

DETAIL:

3. After taking over the possession of Zakariya Shopping Center from the contractor in the year 2013, MDA is recovering the rent from the tenants without execution of tenancy agreement as during the contract period, a number of tenants have been changed and a large number of cases are pending in the court. Therefore, the occupants have been asked to vacate the possession. In order to streamline the matters, it was decided in the 68th Governing Body meeting held on 10-2-2016 that the agreement with the tenants/occupants may be executed. Accordingly, as per decision of the Governing Body, the occupants/tenants of Zakariya Shopping Center were asked to execute the agreement with MDA for a period of 11 months on payment of security money equal to 06 months rent. All the tenants/occupants agitated that MDA is going to execute the tenancy agreement with them only for a period of 11 months but demanding the security amount equal to 06 months rent which is much on higher side and requested that it may be reduced upto the 03 months rent as security. The above said request of the tenants/occupants of Zakariya Shopping Center seems to be reasonable. Moreover, 30 No. shops of Ladies Park Gulgasht Colony were rented out but at present except 03 shops which were disposed of through open auction all the tenants are paying the increased rent but without any agreement of tenancy with the MDA. It is necessary that 27 No. shops may be treated in accordance with the arrangement proposed and already approved for Zakariya Shopping Centre Hussain Agahi Multan. Lists of the tenants/occupants of Zakariya Shopping Centre and shops of Ladies Park Gulgasht Colony are attached (ANNEX-M).

PROPOSAL:

4. It is therefore proposed that the earlier decision of the Governing Body in this regard may be modified in the terms that the tenants/ occupants of Zakariya Shopping Center as well as Ladies Park shall pay security amount equal to the 03 months rent so that the task for execution of the tenancy agreement may be completed with the tenants/occupants of Zakariya Shopping Centre and Ladies Park Gulgasht Colony without further loss of time. The tenancy agreement shall be executed for a period of 11 months from the date of earlier decision dated 10-2-2016.

RECOMMENDATIONS:

5. The matter is placed before the Governing Body for kind consideration and approval please.

DIRECTORATE OF ESTATE & LAND MANAGEMENT

AGENDA NO: 22

SUBJECT: APPOINTMENT OF LOCAL COMMISSION

AIM:

2. To regulate the commission fees for transfer of plots under Section 31 of Registration Act of 1908 (**ANNEX-N**).

DETAIL:

3. It is a known practice that the owners of the plots sometimes submit applications for recording the statement at their houses due to some illness, old age etc. To record the statement at the houses of the owners keeping in view their inability, it is ordered by the Director Estate Management to some officer for recording the statement of the parties on the expenses of the owners in special circumstances. It is an additional labour for the officers as well as officials of this Directorate to go for recording the statement at the houses of the owners as a local commission but no commission fee has been fixed for this purpose. In recent past, Assistant Director Estate Management, proceeded to Quetta for recording the statement of a lady who was reportedly in Iddat days. In this way, it is necessary that fee of the local commission may be fixed on the following rates:

- | | | |
|------|-----------------------------------|---|
| i. | Within Multan District | Rs. 2,000/- |
| ii. | Within Province other than Multan | Rs. 10,000/- including A-Class travelling and hospitality expenses. |
| iii. | Out of Province | Rs. 15,000/- including A-Class travelling and hospitality. |

PROPOSAL:

4. In order to discourage the undue demand of peoples and to compensate the officers with regard to their extra labour, it is proposed that the local commission fee for recording the statement of parties at their houses in special cases may be fixed as per rates given above subject to the condition that the commission fee mentioned at serial ii & iii shall be proportionately divided equally among the officer deputed for recording the statement and MDA.

RECOMMENDATIONS:

5. The matter is placed before the Governing Body for kind consideration and approval.

DIRECTORATE OF ESTATE & LAND MANAGEMENT

AGENDA NO: 23

SUBJECT: LEASE OF UTILITY SITES

AIM:

To secure the amenity sites transferred in favour of MDA.

DETAIL:

2. There are number of plots transferred in favour of MDA as utility and amenity sites in the private housing schemes approved by MDA. The Government of Punjab has notified the Management and Transfer of Properties Act by Development Authorities 2015, which are circulated to all the Development Authorities functioning in the Punjab, whereof the utility and amenity plots including for health, parks and graveyards shall be disposed of in such manner as may be prescribed but after a lapse of almost more than one year no rules have been formulated by the Government of Punjab regarding the disposal of above said sites. Due to the non-disposal of the above mentioned sites, there always remains chance that the plots might be encroached or sold out by the developers at site. In this way not only the Development Authorities shall face hardship but also the residents of the locality shall effect who shall be deprived from their legitimate right to avail the facility within the vicinity. In order to avoid the situation, it shall be appropriate that MDA may be allowed to dispose of the above sites through lease in transparent manner to recognized institutions. In this way, the properties already transferred in favour of MDA not only shall be secured but the residents of the area shall also be facilitated by way of establishment of recognized institutions within the scheme.

PROPOSAL:

3. Keeping in view the above facts, it is proposed that the MDA may be allowed to lease out the sites not less than for a period of 25 years for proper disposal of the utility and amenity sites within the private housing schemes approved by the MDA.

RECOMMENDATION:

4. The matter is placed before the Governing Body for kind consideration and approval.

DIRECTORATE OF ESTATE & LAND MANAGEMENT

AGENDA NO: 24

DE-NOTIFICATION OF LAND MEASURING 16 MARLA BELONGING TO MR. MUHAMMAD BAKHSH

BACKGROUND:

Application of Muhammad Bakhsh s/o Muhammad Ramzan pending with Provincial Ombudsman Punjab, Multan.

AIM:

2. De-notification of land measuring 16 marla belonging to Mr. Muhammad Bakhsh s/o Muhammad Ramzan.

DETAIL:

3. The facts involved into the matter are that a piece of land measuring 16 marla belonging to Muhammad Bakhsh s/o Muhammad Ramzan was acquired for New Shah Shamas Housing Scheme, whose application is now pending before the Provincial Ombudsman for exclusion of the area from the housing scheme. The applicant's land measuring 16 marla was acquired by MDA vide Award dated 10-9-1984 for development of housing scheme with the name and style of New Shah Shams Housing Scheme. Since the acquisition, the applicant was pouring applications at different forums for exclusion of the land where as per his contention he is residing.

4. As a result of his efforts, he was succeeded to get a directive of Chief Minister Punjab received in this office through HUD & PHE Department vide letter No. SO (DA)HP&EP-3-21/87 dated 22-11-1987 (**ANNEX-O**). In the orders mentioned above, it was directed that the land belonging to the applicant may be excluded from the scheme. In response to the above said order, a letter bearing No. 18684/EM/MDA dated 24-12-1987 was written to the Deputy Commissioner Multan for publication of de-notification in the Punjab Gazette (**ANNEX-P**). During the process, another letter bearing No. SO(I&C)-HP&EP-3-7/87 dated 23-11-1987 was received in MDA to stop the proceedings of de-notification if the matter of de-notification is still pending. After receipt of the above said letter the proceedings for de-notification were stopped but the applicant is still insisting for de-notification of the area belonging to him. In fact some misperception is involved in this case. It was directed by the then Chief Minister Punjab that the area of 01 kanal 01 marla belonging to the applicant may be excluded from the scheme but in fact only 16 marlas from his ownership measuring 1 kanal 1 marla was acquired by MDA. Therefore, the

exemption demanded by the applicant is considerable only upto the extent of 16 marlas acquired by MDA. In earlier correspondence the applicant approached MDA for de-notification in response to the directive of the Chief Minister Punjab but as another letter was received from the Government to stop the proceedings, the revalidation of the Chief Minister's directive was sought from the Government which has now been finalized and communicated vide letter No. SO(H-II)5-5/2012 dated 24-01-2014, wherein MDA is directed to place the matter before the Governing Body and outcome be communicated to them for further process (**ANNEX-Q**).

5. At present an application of the ex-land owner Mr. Muhammad Bakhsh s/o Muhammad Ramzan is pending before the Provincial Ombudsman wherein he has prayed for de-notification of the area as per decision made by the Government (**ANNEX-R**).

6. It is evident from the record that the compensation of the land has not yet been received by the ex-land owner and no development has yet been made by MDA as shown in the layout plan of the scheme. No plot has been carved out on the land of the applicant. Therefore, no question arises regarding revision of the layout plan of the scheme. The applicant is a retired teacher and since the acquisition he is requesting for exclusion of his area from the housing scheme as the land acquired from him is a part of impact abadi where his house is located, as such de-notification of the land shall not effect the scheme.

PROPOSAL:

7. In the light of the facts mentioned above, the matter is placed before the House for approval of exclusion of the land belonging to Mr. Muhammad Bakhsh s/o Muhammad Ramzan measuring 16 marla already acquired for the housing scheme known as New Shah Shams Housing Scheme.

RECOMMENDATION:

8. The matter is placed before the Governing Body for kind consideration and approval please.

DIRECTORATE OF ESTATE & LAND MANAGEMENT
LEGAL SECTION

AGENDA NO: 25

BACKGROUND:

ADJUSTMENT OF ADVANCES DRAWN ON ACCOUNT OF PAYMENT OF PROFESSIONAL FEE TO THE ADVOCATES AND ADVOCATE-ON-RECORD FOR SUPREME COURT CASES
PENDING APPROVAL OF PROFESSIONAL FEE OF ADVOCATE-ON-RECORD AND ADVOCATES PLEADED MDA CASES IN THE SUPREME COURT OF PAKISTAN

AIM:

Adjustment of amount of professional fee paid to advocates in Supreme Court cases.

DETAIL OF EXISTING ARRANGEMENTS:

2. At present "**MDA LEGAL ADVISORS REGULATIONS-2015**" are enforced in MDA. The said Regulations were formulated regarding appointments of Legal Advisors as well as payment of professional fee to the Legal Advisors/private counsels. As per above said arrangements, Director General, MDA is quite competent to make appointments/sanction professional fee of the advocates engaged for pursuance of cases pending in different courts of law including the Advocates likely to engage for pleading the MDA cases pending in Supreme Court of Pakistan.

3. In the past, Law Department, Government of Punjab, Lahore was empowered to grant approval regarding recruitment of part-time Legal Advisors as well as engagement of advocates for the cases pending in Supreme Court of Pakistan and payment of professional fee etc. It was crucial time for MDA due to the reason that; MDA always remained receiving notices from the Supreme Court of Pakistan with the direction to ensure appearance on the same day or hardly by providing a little time to get the cases prepared. Ultimately, MDA remained under obligation to engage some private counsel for Supreme Court of Pakistan paying them professional fee on provisional basis as 'advance' subject to approval from the Law Department, Government of Punjab.

4. MDA remained forwarding the cases to the Law Department, Government of Punjab for ex-post facto approval of engagement as well as professional fee already paid to advocates engaged for pleading in the Supreme Court of Pakistan. Not only by writing different letters but a number of 'reminders' have also been sent to the Law Department with the request to accord ex-post facto approval and sanctioning of professional fee (copies enclosed) but no response has yet been received from the Law Department. Due

to the reason mentioned above, an amount of Rs. 11,34,500/- (paid to the advocate engaged for supreme court of Pakistan in a number of cases) is still unadjusted. On the one side the Law Department, Lahore did not respond our letters for want of ex-post facto approval and professional fee of advocate while on the other side the amount paid to the advocates is still unadjusted and the management is pressing hard to get the outstanding advance amount paid to advocates adjusted.

PROPOSAL:

5. In order to settle the above mentioned longstanding issue, it is proposed that under the provisions of Legal Advisor Regulations-2015 where the Director General, MDA is authorized by the Governing Body of MDA to engage the Legal Advisor as well as advocates for supreme court and also settle their professional fee, the above mentioned advance payments already made in favour of advocates-on-record and advocates who pleaded the cases in the supreme court on behalf of MDA may be allowed to settle in the following term:-

- a) Approval of Director General, MDA for adjustment.
- b) Copy of appeal (if pending) otherwise copy of order (if case has been decided) by the August Supreme Court of Pakistan where the name of AOR as well as advocate reflects.
- c) Approval of Legal Advisor and his remuneration from competent forum.
- d) Acknowledgement of advocate which may prove that payment has been made to him.

RECOMMENDATIONS:

6. The proposal is submitted for consideration and approval please.

DIRECTORATE OF ESTATE & LAND MANAGEMENT
LEGAL SECTION

AGENDA NO: 26

INCREASE IN EXISTING RATES FOR PREPARATION AND FILING OF WRIT PETITIONS, APPEALS, CIVIL REVISIONS ETC.

BACKGROUND:

Proper pursuance of cases pending in various courts of law - Increase in existing rates already settled with Legal Advisors for preparation and filing of Writ Petitions, appeals, Civil revisions etc. in the Lahore High Court, Multan Bench, Multan due to rate variation with the passage of time.

AIM:

2. Rapid pursuance of MDA litigation.

DETAILS/EXISTING ARRANGEMENTS:

3. In order to discourage the existing practice regarding withdrawal of 'advances' on account of preparation and filing of Writ Petitions, appeals and civil revisions, it was earlier decided in 53rd meeting of Governing Body of MDA (under item No. 5) held on 23.02.2009 that in future an amount of Rs. 4,000/- shall be paid to Legal Advisors on account of preparation and filing charges of all kind of appeals including Writ Petitions if are ordered to the advocate for filing in the Hon'ble Lahore High Court, Multan Bench, Multan as well as Punjab Labour Appellate Tribunal, Multan but said amount shall be paid after the task is over, on provision of copy of the writ petition, appeal or civil revision petitions the advocate have had filed. Now the issue is that; the Legal Advisors are putting their demands to get the amount enhanced due to the reason that rates of stationary items as well as computer composing etc. have been increased manifold as compared to that time when the decision of taken. Another hardship which is observed in the above said arrangement is that; sometimes there are more than one appeals/writ petitions ordered to file in the High Court and the PLAT but the Legal Advisors show their inability to meet the multiple expenses from their own pocket. In this situation neither this

section can demand the advance nor the task can have been completed due to inability shown by the conducting Legal Advisors.

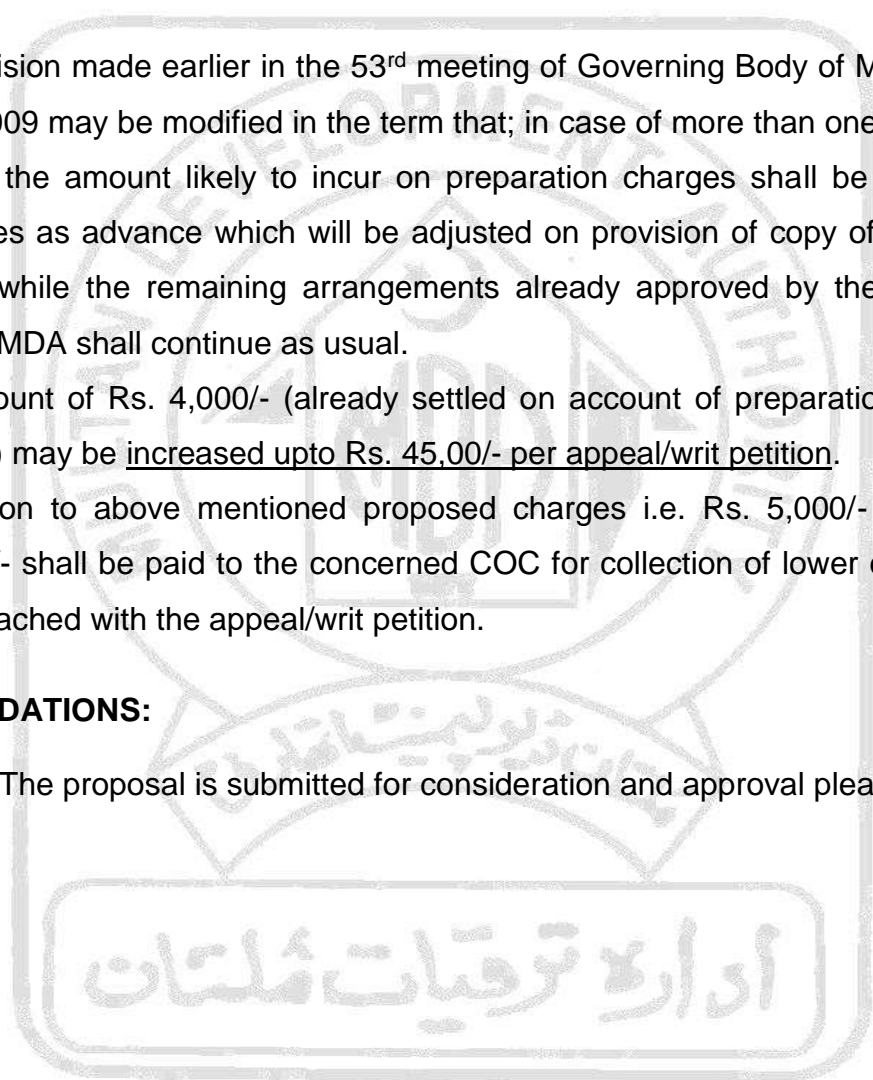
PROPOSAL:

4. In order to streamline the matter, the following proposals are hereby made for kind consideration of the House:-

- a) The decision made earlier in the 53rd meeting of Governing Body of MDA held on 23.02.2009 may be modified in the term that; in case of more than one appeal/writ petition, the amount likely to incur on preparation charges shall be paid to the advocates as advance which will be adjusted on provision of copy of appeal/writ petition while the remaining arrangements already approved by the Governing Body of MDA shall continue as usual.
- b) The amount of Rs. 4,000/- (already settled on account of preparation and filing charges) may be increased upto Rs. 45,00/- per appeal/writ petition.
- c) In addition to above mentioned proposed charges i.e. Rs. 5,000/- an amount Rs. 500/- shall be paid to the concerned COC for collection of lower court record to be attached with the appeal/writ petition.

RECOMMENDATIONS:

5. The proposal is submitted for consideration and approval please.



DIRECTORATE OF ESTATE & LAND MANAGEMENT
LEGAL SECTION

AGENDA NO: 27

CIVIL CASE TITLED MR. ALLAH BUKHSH VS MDA, MULTAN

BACKGROUND:

Civil case titled Mr. Allah Bukhsh vs MDA, Multan

AIM:

2. To meet the liability amounting to Rs.8,00,000/- on account of demolition of shops in the year 1994 in a campaign against encroachment.

DETAILS/EXISTING ARRANGEMENTS:

3. The matter pertains the demolition of shops carried out by the MDA in the year 1994 at Chungi No.9, while the owners filed civil suit for declaration to the effect that their demolished shops were not encroachment but were in their private ownership and the demolition squad illegally demolished their shops as encroachment. The above suit was decided in favour of the owners. The decision of the civil court was assailed on various law forums but could not succeed upto Lahore High Court, Multan Bench Multan. Now the execution court is pressing hard for payment of Rs.8,00,000/- as compensation of the losses occurred due to demolition carried out by MDA. All the decisions of the courts as well as opinion of Mr. Anwar Kamal, Advocate, senior counsel appearing on behalf of MDA in Supreme Court cases, are annexed to avoid the consequences of attachment order of the Executing Court.

PROPOSAL:

4. It is proposed that the house may accord the approval for payment to the decree holders. However, the above said amount shall be deposited in the Executing Court so that the same may be disbursed to the legal heirs of Mr. Allah Bukhsh who was the actual plaintiff in the suit decided on 18-10-2006 and thereafter the Executing Court itself shall disburse the amount to the legal heirs of Mr. Allah Bukhsh.

RECOMMENDATIONS:

5. Keeping in view the explanation given above, the house is requested to approve the proposal so that the amount may be deposited in the Executing Court.