

**THE <sup>1</sup>[Khyber Pakhtunkhwa] BENEVOLENT FUND (ALLOTMENT OF PLOTS TO  
GOVERNMENT SERVANTS) RULES, 1989**

**NOTIFICATION**

**The 14<sup>th</sup> February, 1989**

**No. S&GAD/BF/451-87** In exercise of the powers conferred by Section 9 the <sup>2</sup>[Khyber Pakhtunkhwa] Government Servants Benevolent Fund Ordinance, 1972 (<sup>3</sup>[Khyber Pakhtunkhwa] Ord. VII of 1972), the Government of the <sup>4</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules, namely: -

**1. SHORT TITLE AND COMMENCEMENT**

- (1) These rules may be called the <sup>5</sup>[Khyber Pakhtunkhwa] Benevolent Fund (Allotment of Plots to Government Servants) Rules, 1989.
- (2) They shall come into force at once.

**2. DEFINITIONS**

In these rules the context otherwise requires: -

- (a) "**Board**" means a Board of Management constituted under Section 6 of the Ordinance;
- (b) "**Cost**" means the actual price of the plot paid by the Board;
- (c) "**Funds money**" means the money credited to the Fund constituted under the Ordinance;
- (d) "**Government Servant**" for the purposes of these rules shall mean a Government Servant eligible for allotment of a plot under these rules;
- (e) "**Ordinance**" means the <sup>6</sup>[Khyber Pakhtunkhwa] Government Servants Benevolent Fund Ordinance, 1972 (<sup>7</sup>[Khyber Pakhtunkhwa] Ord. No. VII of 1972); and

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<sup>1</sup> Substituted by the Khyber Pakhtunkhwa Act No.IV of 2011.

<sup>2</sup> Substituted by the Khyber Pakhtunkhwa Act No.IV of 2011.

<sup>3</sup> Substituted by the Khyber Pakhtunkhwa Act No.IV of 2011.

<sup>4</sup> Substituted by the Khyber Pakhtunkhwa Act No.IV of 2011.

<sup>5</sup> Substituted by the Khyber Pakhtunkhwa Act No.IV of 2011.

<sup>6</sup> Substituted by the Khyber Pakhtunkhwa Act No.IV of 2011.

<sup>7</sup> Substituted by the Khyber Pakhtunkhwa Act No.IV of 2011.

(f) "**Plot**" means a residential plot to be allotted under Rule 4 of these rules.

**3. PURCHASE OF PLOTS AND ITS DISPOSAL.-** The Board may, or where direct by Government, shall, purchase plots out of the Funds money not required for immediate expenditure and allot the same to Government Servants in the manner prescribed by these rules.

(2) Only such Government servants shall be considered for allotment of a plot under these rules who do not own in their own names or in the names of any of the members of their families any plot or house in any approved area development scheme.

**4. ELIGIBILITY.-** Subject to the restriction imposed by Sub-Rule (2) of Rule 3, a Government servant who has rendered service qualifying for pension, or a Government servant who, after coming into force of these rules, has been declared by a Medical Board to be completely and permanently incapacitated for further service and is in receipt of invalid pension, shall be eligible for allotment of a plot under these rules.

(2) Allotment, shall be made in accordance with the following scale:-

| S.No. | Category of Government Servant        | Area of Plot |
|-------|---------------------------------------|--------------|
| a.    | Government Servants in BPS 01 to 10   | Five Marlas  |
| b.    | Government Servants in BPS 11 to 16   | Ten Marlas   |
| c.    | Government Servants in BPS 17 & Above | One Kanal    |

<sup>8</sup>(3) Notwithstanding anything to the contrary contain in these rules in general & in Sub-Rule (1) in particular, where a Government Servant dies during Service, the widow of such Government Servant or, in case the widow is also not alive, the child/children of the deceased Government Servant shall be entitled to the allotment of plot, free of cost, according to the scale as laid down in Sub-Rule (2)"

**5. PROCEDURE FOR ALLOTMENT OF PLOTS.-** There shall be maintained waiting lists of Government servants. The waiting lists shall be maintained on first retire first serve basis and the allotment of plot shall be made strictly in accordance with the order of merit assigned in the waiting list:

Provided that in cases where more than one Government Servants are due to retire on the same day, the Government servants having greater length of service shall be given preference:

Provided further that where two or more Government Servants are of the same length of service, the order of priority shall be determined by draw of plots.

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<sup>8</sup> "Sub-Rule(3)" of Rule 4 substitution by Notification No.S&GAD/BF/451-87-III, dated 15/5/1999.

(2) A Government servant shall ordinarily be allotted a plot in a housing scheme within the limits of the District of his domicile;

Provided that if there be no scheme underway in the District of his domicile, he shall be considered eligible for allotment of the plot in any scheme within the District concerned, or if there be no such scheme in the District as well, then in any housing scheme at the Provincial Headquarters.

**6. RECOVERY OF COST** –(1) The cost of the plot paid by the Board shall be recovered from the allottee in equal monthly installments.

(2) For the purpose of recovery of cost, the maximum number of installments shall not exceed sixty.

(3) in case of default of payment of the monthly installments by an allottee, the Board shall have the right to recover the same as arrears of land revenue, or cancel the allotment, as it may deem fit.

**7. WAIVING OF INSTALLMENT.**- Where a Government servant dies before full payment of the cost of the plot to the Board, the installments due from him/her after his/her death shall discontinue, the balance outstanding against the deceased Government servant shall be waived off and the plot shall, as soon possible after his/her death, be transferred to his/her legal heir or heirs.

**8. CANCELLATION OF ALLOTMENT.**- If at any time after allotment of a plot to a Government servant it comes to the knowledge of the Board that he/she was not eligible for allotment of a plot within the meaning of Sub-Rule (2) of Rule 3, the Board shall cancel the allotment and in such an eventuality the amount, if any, deposited by the defaulting allottee towards cost of the plot shall stand forfeited to the Board.

(2) A Government servant aggrieved under Sub-Rule (1) may, within thirty days of the communication of the order of cancellation, prefer a review petition before the Board and the order passed by the Board on such review petition shall be final:

Provided that the Board shall not pass any order without giving the petitioner an opportunity of being heard.

**9. PROPRIETARY RIGHT**,- On full payment of the rest of the plot to the Board, the Board shall transfer the proprietary rights in respect of the plot to the allottee subject to such conditions as it may impose.

**10. BAR ON ALIENATION**.- A person to whom a plot has been allotted under these rules shall not sublet or alienate by sale, gift, mortgage or otherwise the plot or the house constructed thereon or any portion thereof, unless the proprietary rights of the plot have been transferred under Rule 9:

Provided that for the purpose of obtaining loans for the construction or completion of the house on the plot, the allottee may mortgage the plot with a schedule bank or a loan giving agency recognised or sponsored by the Federal or Provincial Government and in such cases the lender shall have first charge on the plot so mortgaged.

11. All applications for allotment of plot under these rules shall be made in Form 'A' and shall be accompanied by an affidavit and a certification in form 'B' and 'C' respectively, annexed to these rules.

**Form 'A'**

**APPLICATION FORM FOR THE ALLOTMENT OF PLOT BY THE BENEVOLENT  
FUND CELL S&GAD.**

SEE RULE 11 OF THE \*[Khyber Pakhtunkhwa] BENEVOLENT FUND(ALLOTMENT OF PLOTS TO  
GOVERNMENT SERVANTS) RULES, 1989.

- (1) Name of the Government Servant \_\_\_\_\_
- (2) Date of Birth/Age. \_\_\_\_\_
- (3) Date of entry into the Government Service. \_\_\_\_\_
- (4) Post held, present pay and scale of pay. \_\_\_\_\_
- (5) Date of Invalidation or Retirement/Death. \_\_\_\_\_
- (6) Total length of Service. \_\_\_\_\_
- (7) Details of legal heir or heirs, such as their  
names/ages, whether married or unmarried  
and relationship of each with the Govt:  
Servant. \_\_\_\_\_  
\_\_\_\_\_
- (8) Details of property owned by the Govt.  
Servant. Affidavit on stamp paper duly  
Countersigned by the 1<sup>st</sup> Class Magistrate/  
Tehsildar of the area will be attached. \_\_\_\_\_  
\_\_\_\_\_
- (9) Whether regular Contributor to the Provincial  
Benevolent Fund. Date from which contributing  
to the Provincial Benevolent Fund. \_\_\_\_\_  
Certificate duly signed by the Head of  
the Department will be attached. \_\_\_\_\_  
\_\_\_\_\_

I do hereby solemnly affirm and verify that the contents of the above application are true to the best  
of my knowledge and belief and that I have concealed nothing.

\* Subs. by the Khyber Pakhtunkhwa Act IV of 2011.

I know that in the event of making a willful misrepresentation or suppression of fact, I shall be liable to criminal prosecution.

\_\_\_\_\_  
SIGNATURE  
Arid

\_\_\_\_\_  
Name of Applicant(in block letters)

\_\_\_\_\_  
Designation

\_\_\_\_\_  
Address

Dated \_\_\_\_\_

I certify and attest the details furnished above from the record available in this office and:-

(i) Recommend.....

(ii) Do not recommend the case.....

Reasons \_\_\_\_\_

Signature & Name of the head of office  
(with date & official seal)

Signature & Name of the Head of Admn. Deptt:  
(with date and official seal)

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**A F F I D A V I T**

I, Mr/Ms. ....  
son/daughter of ..... working  
as..... in ..... Department/Office declare on oath that the  
property owned by me as well as my dependents is detailed as under:-

I affirm further that the above declaration is true and correct to the best of my knowledge and belief  
and nothing has been concealed.

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Designation \_\_\_\_\_  
Department \_\_\_\_\_

COUNTERSIGNED

\_\_\_\_\_

**FORM 'C'**

**C E R T I F I C A T E**

Certified that Mr/Ms .....  
working as.....is a permanent employee of the Provincial  
Government and is a regular Contributor to the Benevolent Fund from the date of his/her appointment

Signature and Seal of Head of Department