

**THE KHYBER PAKHTUNKHWA PROVINCIAL HOUSING AUTHORITY
EMPLOYEES (CONTRIBUTORY PROVIDENT FUND AND
GRATUITY) REGULATIONS, 2022.**

1. **Short title and commencement:-** (1) These Regulations may be called the "Khyber Pakhtunkhwa Provincial Housing Authority Employees (Contributory Provident Fund) and (Gratuity) Regulations, 2022".

(2) These Regulations shall come into force at once;

(3) These Regulations shall apply to all the employees of the Khyber Pakhtunkhwa Provincial Housing Authority.

2. **Definitions:** Unless the context otherwise requires, the following words shall have the meanings assigned to them as under:-

- a) "Khyber Pakhtunkhwa Provincial Housing Authority" means Khyber Pakhtunkhwa Provincial Housing Authority;
- b) "CPF" means Contributory Provident Fund;
- c) "Employees" means the regular employees of the Khyber Pakhtunkhwa Provincial Housing Authority contributing in the Contributory Provident Fund, but does not include the personal or a domestic servant.
- d) "Family" means the Member's spouse, legitimate children, step children, parents, sisters and brothers who reside with and are wholly dependent on the member.
- e) "Funds" means the Khyber Pakhtunkhwa Provincial Housing Authority Contributory Provident Fund pursuant to the Trust deed;
- f) "Member" means employee of the Khyber Pakhtunkhwa Provincial Housing Authority who by these Regulations is admitted to the membership of the fund.
- g) "Regulations of Funds" means the special body of Regulations governing the constitution and administration of the fund.
- h) "Regulations" means the Fund's Regulations in force for the time being/ or Regulations modified from time to time.
- i) "Trust Deed" means the Khyber Pakhtunkhwa Provincial Housing Authority Employees Contributory Provident Fund Trust deed.
- j) "Trustees" means the present trustees of the fund or the subsequent trustees as appointed in accordance with the provision of these Regulations.

Through these Regulations whenever the context admits words implying the masculine gender shall also include the feminine gender and singular shall include the plural also.

PART-I

CONTRIBUTORY PROVIDENT FUND (C.P.Fund)

1. Final Payment;

- a. Final payment of the accumulated fund shall be made to the employee at the time of his retirement.
- b. The Final payment of the Contributory Provident Fund in respect of a member in case of his death before retirement shall be paid to the nominee of the member on the prescribed proforma.
- c. In case when there is no such nomination undertaken by the member, the amount of the fund shall be paid in proportionate shares to all the legal heirs of the employee according to the law of inheritance of his respective religion.

2. Constitution of the Fund:

The fund shall consist of:-

- (i) Contribution from employees and Khyber Pakhtunkhwa Provincial Housing Authority which are to be credited to the funds in accordance with these Regulations.
- (ii) The income of the fund as mark up/profit on deposits, investments and withdrawals of member from the fund.

3. Management of fund: The funds and properties and investments belonging to the fund and forming part thereof shall be vested in and be managed by a Khyber Pakhtunkhwa Provincial Housing Authority of Trustees who shall administered the funds in accordance with the provisions and directions of the Trust deed and these Regulations.

4. Nomination; (1) A member shall, at the time of joining the fund, send to the Trustees a nomination conferring on one or more persons the right to receive the amount that may be to his credit in the fund in the event of his death.

Provided that if at the time undertaking the nomination, the subscriber has a family, the nomination shall not be in favor of any person other than the member of his family.

(2) If a member nominates more than one person or persons under sub Regulation-1, he shall specify in the nomination, the amount or share payable to each of the nominees in such a manner as to cover the whole of the amount that may stand at his credit in the funds at any time.

(3) Every nomination shall be in writing signed by the member in the presence of two witnesses duly signed by them on a prescribed proforma.

(4) A member may at any time cancel a nomination by sending a notice in writing to the Trustees. The member shall, along-with such notice, send a fresh nomination made in accordance with the provisions of these Regulations.

(5) Immediately on the death of a nominee, in respect of whom no special provision has been made in the nomination or on the occurrence of any event by reason of which the nomination becomes invalid, the member shall send to the trustees a notice in writing canceling the nomination together with a fresh nomination made in accordance with the provision of these Regulations.

(6) Every nomination made and every notice of the cancellation given by a member shall, to the extent that is valid, take effect on the date on which it is received by the Trustees.

5. Membership;

(i) All employees of the Khyber Pakhtunkhwa Provincial Housing Authority contributing to the fund shall deem to be the member of the fund. However, an employee appointed hereafter shall only become a member after completion of probationary period of service with the Khyber Pakhtunkhwa Provincial Housing Authority.

(ii) Every employee permitted to be the member of the fund shall sign an agreement in the fund on the prescribed form.

(iii) A member once having joined the fund shall not be permitted to cancel his membership of the fund during his service in the Khyber Pakhtunkhwa Provincial Housing Authority.

(iv) A member, ceasing for any reason to be in the service of the Khyber Pakhtunkhwa Provincial Housing Authority, shall cease to be member of the fund and final payment of his dues shall be disbursed to him at the time of his departure.

(v) A member shall be bound by these Regulations and shall be entitled a copy thereof free of charge.

6. Contribution;

- a. At least 10% of the basic pay of the employee shall be deducted every month as his own contribution to the fund.
- b. The Khyber Pakhtunkhwa Provincial Housing Authority shall also contribute equal amount to the fund as employer's contribution every month.
- c. The amount so contributed to the fund by the members and the Khyber Pakhtunkhwa Provincial Housing Authority every month shall be transferred to the C.P. Fund accounts.

7. Accounts; (1) The funds accounts shall be maintained by the Khyber Pakhtunkhwa Provincial Housing Authority under the supervision of Director Finance of the Khyber Pakhtunkhwa Provincial Housing Authority.

(2) Necessary books of accounts to be maintained for the contributions received, investments made and other expenditures incurred on behalf of the fund by the Khyber Pakhtunkhwa Provincial Housing Authority through Director Finance under the supervisory control of the Khyber Pakhtunkhwa Provincial Housing Authority of Trustees.

(3) As soon as may be after the close of each financial year the CPF section shall prepare the final financial statements of the Funds i.e. Balance Sheet and Income and Expenditure Accounts for intimation to the Khyber Pakhtunkhwa Provincial Housing Authority of Trustees.

(4) Individual accounts; the amount subscribed by each member as well as contribution by the Khyber Pakhtunkhwa Provincial Housing Authority be credited in the account of the employee concerned.

8. Investment of surplus funds:

- (i) The C.P Fund so contributed by the members and the Khyber Pakhtunkhwa Provincial Housing Authority shall be credited to the Fund account. A portion of the funds may be retained in the funds accounts for the purpose of advances requested by the employees or payment of the retiring employee.
- (ii) The remaining funds may be invested in a profitable venture on the recommendations of the Khyber Pakhtunkhwa Provincial Housing Authority of trustees.

9. Books of Accounts and Internal/External Audit:

- a. The books of accounts of CPF shall be maintained separately. The Accountant/Internal Auditors shall be remunerated by the Khyber Pakhtunkhwa Provincial Housing Authority.

- b. It shall be the duty of the Khyber Pakhtunkhwa Provincial Housing Authority to appoint a firm of Chartered Accountants to get the Fund's audited. The Auditors remuneration will be paid by the Khyber Pakhtunkhwa Provincial Housing Authority.

10. Profit;

- (i) The Director Finance, Khyber Pakhtunkhwa Provincial Housing Authority shall work out the amount available as accumulation on the last day of the financial year attributable amongst the members arising out of the net income received and accrued on the securities, on the withdrawals by the members and donations/grants if any, given to the fund as well as profit of the invested funds.
- (ii) No income shall be credited to the member's account on June 30 of each year. A statement of accounts shall be provided to each member in the month of August every year indicating there in the updated position of his account.

11. Payment of accumulated balance:

- a. If a member is terminated from service or leave the service with his own discretion, with less than one year continuous service, he will be refunded his own contribution without profit.
- b. In all other cases, member when he leaves service will be paid the accumulated balance to the credit in his account in accordance with the following method:-

More than one but less than two years continuous service	Member's own contribution plus 25% of the Khyber Pakhtunkhwa Provincial Housing Authority contribution and profit thereon
More than two but less than three years continuous service	Member's own contribution plus 50% of the Housing Authority contribution and profit thereon
Three years or more of continuous service	Member's and Khyber Pakhtunkhwa Provincial Housing Authority contribution and profit thereon
In case of death during service or a person or a person employees after superannuation	Member's and Khyber Pakhtunkhwa Provincial Housing Authority's contribution irrespective of criteria in columns 1,2 and 3 above.

- c. When a member leaves the service of the Khyber Pakhtunkhwa Provincial Housing Authority, the amount due to him in the accumulated balance of his CPF account become payable to him.
- d. In case of an employee who leaves no family and have made no nomination, the payment shall be made on production of succession certificate from a court of law by the legal heirs of the employee (if any).
- e. The Khyber Pakhtunkhwa Provincial Housing Authority shall not be entitled any sum whatsoever from the fund. In case of any recovery of loss (if any) from him, the sum may be recovered from his as an arrear of land Provincial Housing but not from the accumulated CPF in his account.

12. **Permission of Loan:** Subject to these Regulations, withdrawals by the members from the balance may be allowed by the Trustees in the following circumstances:-

- a) Illness of a member or his family.
- b) To pay the overseas passage by reason of health or education of the member or his family.
- c) To pay expenses in connection with the performance of Hajj by the member.
- d) To meet the expenditure on building or purchasing a house or a site for house.
- e) To pay expenses in connection with marriage, funerals or ceremonies, which, by the religion of the member, it is incumbent upon him to perform and in connection with which it is obligatory that expenditure should be incurred.
- f) To meet the expenditure on repairs, renovation or extension of residential house belonging to the member..
- g) In a case of member who has attained the age of 50 years on the date on which the withdrawal is permitted.;
- h) To meet the expenditure on the purchase of a house or construction of a house on land owned by him or a member of his family anywhere in Pakistan.

- i) Repay a loan taken from a financial Institution, provided that the member shall, within a period of two weeks from the date of withdrawal produce satisfactory evidence before the Trustees to show that the advance has been utilized for the purpose for which it was drawn failing which the entire amount of withdrawal together with interest accrued thereon shall forth with become repayable to the fund in lump sum; and
- j) No second withdrawal from the CPF shall be permitted unless the sum of first withdrawal has been fully repaid.
- k) When a member contributing to the fund opts not to receive any profit on his accumulated balance, no profit shall be charges on the amount withdrawn by him from the fund.
- l) The Khyber Pakhtunkhwa Provincial Housing Authority shall deduct such installments payable under sub regulation (2) from the member's salary and pay them to the Trustees commencing from the second monthly payment made after the withdrawal or, in the case of a member on leave without pay, from the second monthly installment after his return to duty.

13. Forfeiture of C.P. Fund Account:

If any amount in the fund standing to the credit of a member is withheld or forfeited as is not paid to him under these Regulations shall be credited to the forfeiture account.

The Khyber Pakhtunkhwa Provincial Housing Authority shall have the first charge on the forfeited amount which shall not exceed the amount standing to his credit in Khyber Pakhtunkhwa Provincial Housing Authority's contribution account, no recovery of loss shall be made from the portion of funds in a members' account accumulated by him and mark up accrued thereon, for payment of any sums due to the Khyber Pakhtunkhwa Provincial Housing Authority or for satisfaction of claims against the member in respect of all losses, damages, expenses etc which the Khyber Pakhtunkhwa Provincial Housing Authority may have sustained due to his negligence or fraud. The Trustees will pay upon demand so assessed by the Khyber Pakhtunkhwa Provincial Housing Authority out of the forfeited amount.

The balance left over in the forfeited account if any, after payment made to the Khyber Pakhtunkhwa Provincial Housing Authority against losses suffered due to the negligence or fraud of the members, shall be utilized primarily to meet any loss from investment of the fund or realization of the assets or for the benefit of the member or dependence of the deceased members or any other purpose connected with the fund as decided by the trustees.

14. Interpretation;

The fund shall be governed by these Regulations or such other Regulations as shall be for the time being in force. These Regulations shall be interpreted by the Trustees whose interpretation shall be final and binding upon the parties thereto and all members.

15. Arbitration;

Any dispute or difference which may arise between any member, or his representative, executor, administrator, nominees and the Trustees, shall be referred to the Director General of the Khyber Pakhtunkhwa Provincial Housing Authority or his nominee, and his decision on the subject matter of the dispute shall be final and binding upon the parties thereto and members.

16. Winding of the Fund:

The Trustees may at any time with the consent/direction of the Khyber Pakhtunkhwa Provincial Housing Authority or on dissolution of the Khyber Pakhtunkhwa Provincial Housing Authority, wind up the fund. The Trustees then pay out to each member the balance standing to his credit after realizing the assets of the fund and paying off the expenditure incurred for winding up and Fund's Accounts are finalized.

PART- II

GRATUITY

1. Gratuity shall be paid to every employee of the Khyber Pakhtunkhwa Provincial Housing Authority (herein after called member) on leaving or completion of 30 & above years Khyber Pakhtunkhwa Provincial Housing Authority's service @ 160 running basic pay for the service rendered in the Khyber Pakhtunkhwa Provincial Housing Authority. The gratuity shall be calculated on the last drawn running basic pay of the employee.
2. No member shall be entitled to a gratuity if he has been dismissed from the Khyber Pakhtunkhwa Provincial Housing Authority's employment.
3. A gratuity shall be payable to a member as per below formula/ rates only in the following case:-
 - (i) On completion of the Khyber Pakhtunkhwa Provincial Housing Authority's service or at his own volition provided he has rendered 30 years & above of continuous service in the Khyber Pakhtunkhwa Provincial Housing Authority.
 - (ii) On early retirement or dis-ability or death.
 - (iii) The following number of gratuities shall be paid as approved in the 28th Authority meeting held on 28th March, 2022 as notified by the Provincial Housing Authority vide notification No.DG/PHA/Admin/28th Authority Meeting/520 dated 04.04.2022.

No. of completed years of service		No. of Gratuities
(iv) 1	1	2
h	2	4
e	3	6
	4	8
b	5	10
e	6	14
n	7	18
e	8	22
f	9	26
i	10	30
t	11	35
	12	40
	13	45
p	14	50
r	15	55
o	16	61
v	17	67
i	18	73
d	19	79
e	20	85
d	21	92
	22	99
	23	106
u	24	113
n	25	120
d	26	128
e	27	136
r	28	144
	29	152
t	30 & above	160

he gratuity fund are strictly personal and cannot be assigned, changed or alienated in any way other than as prescribed in these regulations.

4. **AMENDMENT TO THE FUNDS REGULATIONS:** The Khyber Pakhtunkhwa Provincial Housing Authority reserves the rights to amend the regulations of the gratuity fund.

Provided that no such amendment shall, in any way affect the benefits secured by the contributions already paid in respect of the members.

Provided further that any amendment to these regulations shall be made only with the consent of the Khyber Pakhtunkhwa Provincial Housing Authority.

KHYBER PAKHTUNKHWA PROVINCIAL HOUSING AUTHORITY

NOMINATION FORM

For

Contributory Provident Fund (CPF).

I, Mr./Miss. _____, _____ (designation), hereby nominate the person(s) mentioned below who is/are member(s) of my family to receive the amount of Contributed Provident Fund available at my credit in the CPF head of account.

S. No.	Name(s) of the nominee	CNIC No.	Age	Relation	%age share
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Date:- _____ / 20_____.

Signature:- _____

Designation:- _____

CNIC No:- _____

• Witness:- _____

Signature:- _____

Name:- _____

CNIC No:- _____

• Witness:- _____

Signature:- _____

Name:- _____

CNIC No:- _____

KHYBER PAKHTUNKHWA PROVINCIAL HOUSING AUTHORITY

NOMINATION FORM

For

GRATUITY

I, Mr./Miss. _____, _____ (designation), hereby nominate the person(s) mentioned below who is/are member(s) of my family to receive the amount of gratuity fund available at my credit in the gratuity head of account.

S. No.	Name(s) of the nominee	CNIC No.	Age	Relation	%age share

Date: - ___/___/20-----

Signature:- _____

Name: - _____

Designation:- _____

Witnesses: -

CNIC No. _____

i. Signature:- _____

Name: - _____

CNIC No: - _____

ii. Signature:- _____

Name: - _____

CNIC No:-. _____