



**OFFICE OF THE MEDICAL SUPERINTENDENT**  
**LAHORE GENERAL HOSPITAL, LAHORE**

PH: 042-99268836, 99268842, Exch: 99268801-8

No. 4945 /LGH, Lahore Dated 20-01 /2024

To

The Secretary,  
Govt. of the Punjab,  
SHE & ME Department,  
Lahore

Attention:

Mr. Abdul Wahab  
(Focal Person) PPRA Website,  
Health Department, Govt. of the Punjab,  
Lahore.

Subject:

**MINUTES OF GRIEVANCE COMMITTEE MEETING FOR  
HIRING OF SECURITY SERVICES.**

With reference to the subject cited above.

It is requested to issue an instruction to the concern focal person for uploading the Minutes of Grievance Committee on Official Website Of Health Department Regarding Hiring Of Security Services, Lahore General Hospital, Lahore, for the financial year 2023-24

*Nudrat Shail*  
Medical Superintendent  
Lahore General Hospital  
Lahore

Dated                      2023

No.                      /LGH

A copy is forwarded for information to the:-

1. Principal, PGMI/AMC/ Lahore General Hospital, Lahore.
2. AMS/DMS (ADP Purchase), LGH, Lahore.
3. Computer Programmer (with the request to upload the minutes on official website of LGH, Lahore.

Medical Superintendent  
Lahore General Hospital  
Lahore

## MINUTES OF GRIEVANCE COMMITTEE

1. Grievance committee meeting held on 15-01-2024 under the chairmanship of Prof. Dr. Farah Shafi (Prof. of Medicine AMC/PGMI/LGH, Lahore to resolve the grievances submitted by the firms, for the hiring of Security Services, Lahore General Hospital, Lahore.
2. Following committee members attended the meeting:
  - Prof. Dr. Muhammad Faheem Afzal, Prof. of Pediatrics, PGMI/AMC/LGH, Lahore.
  - Dr. Ghias-ul- Hassan, Assistant Prof. of Gastroenterology, PGMI/AMC/LGH, Lahore
  - Dr. Aun Jamal, Assistant Prof of Surgery Unit-III, PGMI/AMC/LGH, Lahore.
  - Engr. Muhammad Ali, Biomedical Engineer / Technical Officer, PGMI/AMC, Lahore
3. Firms Representatives also attended the meeting.
4. The items were discussed in detail as follows:

Sr. No.	Name Of Tender	Name Of Firm	Grievance Of The Firm	Grievance Committee	Decision
1	Hiring of Security Services	M/S Firewall Security Services	<p>➤ With Reference to the subject noted above, it is submitted that financial Bid of tender for hiring security services was opened on 11-11-2023. In which M/S Rahbar Guards security services has made a management cost of Rs. 7935/- and M/S Belfort Security Services has made a management cost of Rs.7140/-.</p> <p>➤ Clause No. 3.1.4 Operational Responsibilities (Sub-Clause 3.1.4.10) of page No.26 of Bidding Documents and Serial No. 3 of Note to Financial Bid Form 8.7.3 clearly state that cost of 04 days reliever will be included in management cost during preparation of financial bid.</p> <p>➤ If this procedure is followed which is mentioned above said references both these companies M/S Rahbar Guards Security Services and M/S Belfort Security Services (pvt) go below the minimum wage rate (26 days) as per Labor Law and as well as PPRA Rule. Therefore, it is requested</p>	<p>➤ Committee Meeting held on 25-11-2023 Committee called the representative of all technically qualified firms &amp; asked to present justification/breakup of their quoted Management Cost as per Financial Bid Form 8.7.3 page No.61 of Bidding document.</p> <p>➤ Firms presented their Justification / Breakup of Management Cost one by one before committee.</p> <p>➤ Committee heard the stance in detail. After detail discussion &amp; gone through the Bidding Documents &amp; grievance of firms and unanimously decided to take legal opinion on this matter from Hospital Legal Advisor/ Consultant.</p> <p>➤ Legal Advice received on dated 04-01-2024.</p> <p>➤ Committee meeting held on 15-01-2024. The committee gone through the legal opinion submitted by Muhammad Akraith Qurashi &amp; Co. (copy attached) &amp; Quoted</p>	<p>Committee unanimously decided that it is clearly mention in Financial Bid Form 8.7.3 "As per aforementioned PPRA circular and clarification letter of PPRA regarding Rules &amp; Regulations of Labor Law vide No. L&amp;M(PPRA)1-15(SOC)(AB)(LHRX5)2014/Co m/PP4 dated 17-08-2021, the Financial Bid(s) of the Bidder(s) will be declared Nonresponsive if the rates quoted by the bidders are not justified or do not include minimum applicable prevalent wage rate, applicable taxes, contributions to EOBI and PESSL. So Financial Bids of 04 Technically Qualified Firms:-</p> <ol style="list-style-type: none"> <li>1. M/S Rahbar Guards &amp; Security Services</li> <li>2. M/S Belfort Security Services</li> <li>3. M/S Safety &amp; Security Services</li> </ol>

*M. S. A.*



that these two companies should be financially disqualified.  
 ➤ It is therefore, requested that the Grievance Committee to look into this matter. We will be very thankful to you for in this anticipation.

*Laurel*

Management Cost in the light of legal opinion  
 ➤ After detail discussion Committee observed as below:-

1. Management Cost including 53 days relievers pay of (110 Male Guard & 12 Female Guard 03 Security Supervisor) to give 365 days Services required by Procuring Agency/ Hospital as per clause No.3.1.4.

2. As per Bidding Document Clause No. 3.1.4.10 that "the Service Provider is required to arrange for the relievers to ensure the services for 365 days/24 hours. The cost of these relievers shall be included in the Management Cost while preparing the Financial Bid. Further as per Financial Bid Form 8.7.3 it is clearly mentioned in last paragraph that "As per aforementioned PPRA circular and clarification letter of PPRA regarding Rules & Regulations of Labor Law vide No. L&M(PPRA)1-15(SOC)(AB)(LHR)(5)/2014/Com/P4 dated 17-08-2021, the Financial Bid(s) of the Bidder(s) will be declared Nonresponsive if the rates quoted by the bidders are not justified or do not include minimum applicable prevalent wage rate, applicable taxes, contributions to EOBI and PESSI.

3. It is observed that all Bidder have to Quote Reliever Cost as per minimum Wage Notified +EOBI+PESSI/ESSI+ Income Tax+ PST otherwise their Financial Offer will declare Non responsive.

➤ Grievance Committee asked to Purchase Department to Calculate Reliever Cost /Pay

4. M/S Firewall Security Services are Declared Non-Responsive

			<p>as per notified minimum wage cost with all prevailing Taxes. Purchase Department submitted the reliever cost/pay with all prevailing Taxes (Annexure-A) which is <b>Rs. 970755.59</b></p> <p>➤ Committee observed that Quoted Management Cost/pay by all 04 technically qualified bidder are less than the minimum wage including all prevailing Taxes as below:-</p> <ol style="list-style-type: none"> <li>1. M/S Belfort Security Services = Rs. 7140/-</li> <li>2. M/S Firewall Security Services = Rs. 753027.89</li> <li>3. M/S Safety &amp; Security Services = Rs. 903971/-</li> <li>4. M/S Rahbar Guards &amp; Security Services = Rs. 966,926.45</li> </ol>	
--	--	--	--	--

Prof. Dr. Farah Shafi (Prof. of Medicine), PGMI/AMC/LGH, Lahore.

Prof. Dr. Muhammad Faheem Afzal, Prof. of Pediatrics, PGMI/AMC/LGH, Lahore.

Dr. Ghias-ul- Hassan, Assistant Prof. of Gastroenterology, PGMI/AMC/LGH, Lahore.

Dr. Aun Jamal, Assistant Prof. of Surgery Unit-III, PGMI/AMC/LGH, Lahore.

Engr. Muhammad Ali, Biomedical Engineer / Technical Officer, PGMI/AMC, Lahore.

**RELIEVER COST AS PER MINIMUM WAGE NOTIFIED PER MONTH**

Description	Number of Persons	Minimum Wages	PESSI / IESSI 06%	EOBI 05%	Income Tax 04%	PST 16%	Total cost per month	Rate per worker/day	Total Amount Rate per worker/day	Quantity	Reliever Days per Month	Total Amount Paid Through Reliever Cost per Month
Security Guards (110 Male & 12	122	33806	2028.40	1600	1821.47	6281	45536.87	45536.87/26	1751.42	122	4.42	944435.72
Security Supervisors	03	38514	2311	1600	2064.3	7118.3	51607.6	51607.6/26	1984.90	03	4.42	26319.87
Total Reliever Cost Per Month in Rs.												970755.59

As per aforementioned PPRA circular and clarification letter of PPRA regarding Rules & Regulations of Labor Law vide No. L&M(PPRA)-1-15(SOC)(AB)(LHR)(5)/2014/Com/P4 dated 17-08-2021, the Financial Bid(s) of the Bidder(s) will be **declared Nonresponsive** if the rates quoted by the bidder are not justified or do not include minimum applicable prevalent wage rate, applicable taxes, contributions to EOBI and PESSI.

*Handwritten signature*





M. Akram Qureshi & Co.

ADVOCATES | BARRISTERS | SOLICITORS | LEGAL CONSULTANTS



**Zain Rehmat Qureshi**

LL.B Hons. (London), LL.M (UK)  
Advocate High Court

**M. Akram Qureshi**  
Advocate Supreme Court of Pakistan  
Former Judge Lahore High Court

Without Prejudice

Mr. Sardar Muhammad Al Fareed Zafar,  
Lahore General Hospital,  
Ferozpur Road,  
Lahore.

Re: Legal Opinion

Dear Sir,

This opinion is with reference to the proposition put forth in which Our Firm has been asked to advise the Lahore General Hospital, Lahore (hereinafter referred as "LGH") with regards to applicability of contribution of Punjab Employees Social Security Institution and Employees Old Age Benefits Institution to daily-waged employees of companies providing out-sourced services to LGH, and whether the bidders are required to add any such amount in their respective bids.

In this respect, reference is at first made to **Section 2(8)** of the Punjab Employees Social Security Ordinance, 1965 (hereinafter referred as "the Ordinance") which defines an "employee" in the following terms:

*"2. Definitions – In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-*

*(8) any person employed, whether directly or through any other person for wages or otherwise to do any skilled or unskilled, supervisory, clerical, manual or other work in, or in connection with the affairs of an industry or establishment, under a contract of service or apprenticeship, whether written or oral, expressed or implied but does not include-*

*(a) persons in the service of the State, including members of the Armed Forces, PSOs, Principal, PGMI, Lahore General Police Force and Railway servants;*  
Lahore

Head Office:

Office No.6, Ground Floor, SAF Centre, 8-Fane Road, Lahore.

Tel: 042-37353289, 37231940

Email: m.akramqureshilaw@gmail.com

Sub Office:

Basement Ghazi Plaza, 2-B, Mozang Road, Lahore.

Tel: 042-37354521

Fax: 042-37353289

DMS-18  
EC-P  
7/1/24

**M. Akram Qureshi**  
Advocate Supreme Court of Pakistan  
Former Judge Lahore High Court

**Zain Rehmat Qureshi**  
LL.B Hons. (London), LL.M (UK)  
Advocate High Court

- (b) persons employed in any undertaking under the control of any Defence Organization or Railway Administration;
- (c) persons in the service of a local council, a municipal committee, a cantonment board or any other local authority;
- (d) any person in the service of his father, mother, wife, son or daughter, or of her husband;
- (e) [12][\* \* \* \* \*]
- (f) any person employed on wages exceeding the wages determined by the Government under section 71:

*Provided that an employee shall not cease to be an employee for the sole reason that his monthly wages exceed the wages determined by the Government under section 71 of the Ordinance;*

Section 20 of the Ordinance highlights the manner of payment of contribution, the rate of contribution and the employees whose contribution is required to be paid by the employer. For the ease of reference, the said section is reproduced hereunder:

**"Section 20. Amount and payment of contributions.- (1) Subject to the other provisions of this Chapter, the employer shall, in respect of every employee, whether employed by him directly or through any other person pay to the Institution a contribution at such times, [at the rate of six percent] and subject to such conditions as may be prescribed**

*Provided that no contribution shall be payable on so much of an employee's wages as is in excess of [the wages determined by the Government under section 71].*

(2) [\*\*\*\*\*]

*[(3) The employer shall not be entitled, to deduct [his own share of contribution] from the employee's wages or otherwise to recover from him any portion of the contribution, notwithstanding any agreement to the contrary.]*

(4) [\*\*\*\*\*]

**(5) For the purpose of determining the amount of the contribution payable, daily wages shall be calculated in such manner as may be provided by regulations.**

*(6) Where the mode of payment of remuneration, whether in cash or in kind, makes it difficult to determine the amount of wages for computing the contribution, the Commissioner may, subject to regulations and in consultation with the representatives of employers and employees, determine such wages.*





M. Akram Qureshi & Co.

ADVOCATES | BARRISTERS | SOLICITORS | LEGAL CONSULTANTS

## M. Akram Qureshi

Advocate Supreme Court of Pakistan  
Former Judge Lahore High Court

## Zain Rehmat Qureshi

LL.B Hons. (London), LL.M (UK)  
Advocate High Court

*(7) Any sum deducted from another employee's wages by the employer under this Ordinance shall be deemed to have been entrusted to him for the purpose of paying the employee's contribution in respect of which it was deducted.*

*(8) In the case of construction work the owner of the building shall guarantee the payment of contributions by the contractors.*

*(9) In the case of works executed or undertakings carried on behalf of the State by a contractor or licensee, the competent public authority shall, before final settlement of the claims of the contractor or licensee arising out of the contract, require the production of a certificate from the Institution showing that the necessary contributions have been paid, and in default of such certificate it shall deduct from the amount otherwise payable in settlement of such claim, the appropriate amount of the contributions payable, and pay such amount direct to the Institution.*

In addition to above, it is evident from bare reading of sections 57(b) and 80(2)(xii) of the Ordinance that the requisite contribution as required under the law are to be calculated while keeping in view the daily average wage of the employee. Therefore, it has to be ensured that contributions of all the employees indirectly employed by LGH through out-sourced services including the relievers or any other employee are paid by the company providing services to LGH.

Similarly, the provisions of Employees' Old-Age Benefits Act, 1976 (hereinafter referred as "the Act") which are almost identical in nature, also make it mandatory for the employer to pay the relevant contributions of all the employees. The Act defines an employee under section 2(bb) in the following terms:

*Section 2(bb). "employee" means any person employed, whether directly or through any other person, for wages or otherwise, to do any skilled or unskilled, supervisory, clerical, manual or other work in, or in connection with the affairs of, an industry or establishment, under a contract of service or apprenticeship, whether written or oral, express or implied, and includes such person when laid off :*

*[Omitted]*

*Provided [ \* \* ] that a director of a limited company or of a corporation set up under any law shall not be treated as an employee under this Act, irrespective of his wages or emoluments ;*

### Head Office:

Office No.6, Ground Floor, SAF Centre, 8-Fane Road, Lahore.  
Tel: 042-37353289 , 37231940  
Email: m.akramqureshilaw@gmail.com

### Sub Office

Basement Ghazi Plaza, 2-B, Mozang Road, Lahore  
Tel: 042-3735452  
Fax: 042-3735328





M. Akram Qureshi & Co.

ADVOCATES | BARRISTERS | SOLICITORS | LEGAL CONSULTANTS

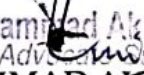
**M. Akram Qureshi**  
Advocate Supreme Court of Pakistan  
Former Judge Lahore High Court

**Zain Rehmat Qureshi**  
LL.B Hons. (London), LL.M (UK)  
Advocate High Court

The above-mentioned provisions clearly manifest that the contributions of each and every employees as stated and required in the Act as well as the Ordinance, is required to be paid. Therefore, it would be safe to conclude that all the companies competing in any bidding process regarding provision of services through its employees, be required to ensure that the PESSI as well as EOBI contributions of the employees who shall be providing services on company's behalf in LGH, be regularly paid and the same should also be mentioned in their relevant bidding documents.

We sincerely hope that the above assist the concerned to do the needful. In case you need any further assistance, please feel free to contact the undersigned.

For and on behalf of the firm,

  
Muhammad Akram Qureshi  
Advocate Supreme Court  
**MUHAMMAD AKRAM QURESHI**  
Advocate Supreme Court of Pakistan

Ref. #: MAQ/Legal-Opinion/PGMI/01-24

Date: 02 January, 2024

**Head Office:**  
Office No.6, Ground Floor, SAF Centre, 8-Fane Road, Lahore.  
Tel: 042-37353289 , 37231940  
Email: m.akramqureshilaw@gmail.com

**Sub Office:**  
Basement Ghazi Plaza, 2-B, Mozang Road, Lahore.  
Tel: 042-37354521  
Fax: 042-37353289