

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No. 1078/2020

Nokia Solutions and Network Pakistan Pvt Ltd.

Versus

Assistant Commissioner/Sub-Divisional Magistrate (Industrial Area)/Authority under payment of Wages Act, Islamabad, ETO office, H-9, Islamabad & others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

(02)

16.09.2020.

Mr. Rashid Hanif, Advocate for Petitioner.
Mr. Muhammad Umair Baloch, Advocate for Respondents No. 2 to 22.
Mr. Muhammad Atif Khokhar, State Counsel.

This petition assails the order dated 05.03.2020 passed by the Authority under payment of wages Act Islamabad, whereby the matter was remanded to the company/petitioner to recalculate statutory gratuity and gratuity as per last pay drawn and pay the balance amount within one month.

02. The learned counsel for the petitioner has been confronted that the impugned remand order dated 05.03.2020 passed by the learned Assistant Commissioner/SDM(I-A)/Authority under Payment of Wages Act, 1936, whereby, petitioner/Nokia Solution and Network Pakistan Pvt. Ltd. has been directed to recalculate Statutory Gratuity and Gratuity as per last pay drawn and pay the balance amount within period of one month, whereupon, petitioner contends that impugned order under section 15 of Payment of Wages Act, 1936 is passed without following the due procedure as such the impugned order is illegal.

03. Since, there is no order regarding final adjudication/determination of payment of wages, Gratuity and balance amount, therefore, this court is not in position to exercise the powers of Judicial Review in terms of Article 199

of the Constitution of Islamic Republic of Pakistan 1973, as this is a simple remand order and no final determination has been made. Reliance is placed on 2018 SCMR 1177 titled as “Allah Ditta and others Versus Member (Judicial), Board of Revenue and others” and 2019 MLD 1 [Lahore].

04. In view of the above, instant writ petition warrants no interference with the impugned order, therefore, the same is **dismissed**, however, petitioner is at liberty to recalculate entire gratuity as per order passed by the authority.

(MOHSIN AKHTAR KAYANI)
JUDGE

Bilal