

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 131/23

Before

Indiren Sivaramen	Acting President
Christelle Perrin D’Avrincourt	Member
Ghianeswar Gokhool	Member

In the matter of:-

Registrar of Associations (Applicant)

And

Association of Professional Mentors (Respondent)

This is an application made by the Applicant under section 7(3) of the Employment Relations Act, as amended (the “Act”), for an order directing the cancellation of the registration of the Respondent union. The Applicant was assisted by Counsel whereas the Respondent was represented by its Secretary, Mr S. Soorkia. The latter informed the Tribunal that there was no objection for the cancellation of the registration of the trade union. The Tribunal thus fixed the matter for hearing and proceeded to hear both parties at another sitting.

The representative of the Applicant deposed before the Tribunal and she produced copies of (1) the certificate of registration of the Applicant (Doc A), (2) the rules of the Applicant (Doc B), (3) the last Annual Return for the period ending 31 December 2017 filed on behalf of Respondent (Doc C), (4) various correspondences sent to the Respondent (Docs D to F) and finally (5) the Notice sent to the Respondent under section 7(1)(d) of the Act (Doc G). Though Applicant had given time to Respondent to remedy the situation, there was no response from the latter. The representative of the Applicant stated that, according to records, the Respondent had an amount of cash at bank as at 31 December 2017.

The representative of the Respondent stated that the Respondent has ceased to exist and that all members of the Respondent who were mentors have been promoted as school inspectors.

The Tribunal has examined all the evidence on record. In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal has no hesitation in finding that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. The rules of the Respondent do not provide for dissolution of the union in case of cancellation of the registration of the Respondent.

In the light of all the evidence on record, the Tribunal directs the Applicant to cancel the registration of the Respondent. The assets of the Respondent shall be used to pay, as far as possible, all the debts and liabilities legally incurred on behalf of the Respondent. Any remaining assets shall then be divided equally among compliant members of the Respondent. In case the Respondent is not wound up as per the above and section 7 of the Act, the Respondent shall be wound up by the Applicant in the prescribed manner.

(SD)Indiren Sivaramen

Acting President

(SD)Christelle Perrin D'Avrincourt

Member

(SD)Ghianeswar Gokhool

Member

29 December 2023