

EMPLOYMENT RELATIONS TRIBUNAL

ERT/RN 90/14

RULING

Before:

Rashid Hossen	-	President
Soumarain Ramana	-	Member
Rabin Gungoo	-	Member
Tribhohun Raj Gunnoo	-	Member

In the matter of:-

All Workers' Federation

(Appellant)

And

Registrar of Associations

(Respondent)

In presence of: - **All Workers Trade Unions Federations**

(Co-Respondent)

The issue *in lite* is whether the second ground of appeal filed on the 23rd September 2014 should be entertained. **Section 5(8)** of the **Employment Relations Act** reads:-

“Any other registered trade union aggrieved by a decision of the Registrar to register a trade union may, within 21 days of the publication of the notice in the Gazette, appeal to the Tribunal against that decision.”

We refer to **R. Z. Emamally v. The State & Ors [2004 (SCJ 294)]**:-

*“Our legislation does not make any provision for an appeal to be brought out of time. The Court in **Lagesse v. Commissioner of Income Tax [1991 MR 46]** considered the principles governing the determination of appeals in case of non-compliance within the prescribed time limit and pointed out that ‘at one stage the finality of judicial decisions should be certain and procedural requirements governing appeals from these decisions should not be disregarded so as to prolong uncertainty and the holding up of the execution of a judgment unless a non-compliance is shown not to be due to acts or, more frequently, the omissions of the appellant or his legal advisers.’”*

It is not disputed that the publication of the registration of the Co-Respondent was effected in the Government Gazette of 09th August 2014 (Doc. A). The second ground of appeal would thus be clearly outside the delay of 21 days as from the publication of the notice in the Gazette.

Nothing was established to show that the non-compliance was not due to acts or omissions of the Appellant or his legal advisers.

The objection is upheld and the appeal would be heard on **Monday the 17th of November 2014 at 1.30 p.m.**

(Sd)Rashid Hossen
(President)

(Sd)Sounarain Ramana
(Member)

(Sd)Rabin Gungoo
(Member)

(Sd)Triboohun Raj Gunnoo
(Member)

Date: 12 November 2014