

**EMPLOYMENT RELATIONS TRIBUNAL**

**ORDER**

**ERT/ RN 43/24**

**Before**

<b>Indiren Sivaramen</b>	<b>Acting President</b>
<b>Bhawantee Ramdoss</b>	<b>Member</b>
<b>Kirsley E. Bagwan</b>	<b>Member</b>
<b>Muhammad Nayid Simrick</b>	<b>Member</b>

**In the matter of:-**

**Registrar of Associations (Applicant)**

**And**

**Non Academic Staff Union of University of Mauritius  
(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 at the hearing by its Secretary, Mr S. Jaree. There was no objection on the part of the Respondent for the cancellation of the registration of the trade union. The Tribunal proceeded to hear both parties.

The representative of the Applicant deposed before the Tribunal and she produced copies of (1) the application for cancellation of registration of the Respondent (Doc A), (2) the certificate of registration of the Respondent (Doc B), (3) the rules of the Respondent (Doc C), (4) the Notice served under section 7(1)(d) of the Act (Doc D) requesting the Respondent to provide annual returns for the periods ending 31 December 2015, 2016, 2017, 2018, 2019, 2020 and 2021, (5) letters sent to the Treasurer of the Respondent

(Docs E and F), (6) letter sent to the Secretary of the Respondent (Doc G), (7) the letter in reply from the Secretary of the Respondent (Doc H), (7) letters sent to the Treasurer of the Respondent (Docs I,J,K and L), letter received from the Secretary of the Respondent (Doc M), letters sent to the President, Secretary and Treasurer of the Respondent dated 4 September 2018 (Docs N, N1 and N2), and letter received from the Secretary of the Respondent dated 10 September 2018 with letter dated 4 September addressed to him annexed thereto (Docs O and O1). She stated that the Respondent has not submitted any returns up to now. She stated that the Respondent does not have any bank account and she prayed for the cancellation of the registration of the Respondent.

The representative of the Respondent did not have any question for the representative of Applicant and he stated that he had nothing to say.

The Tribunal has examined all the evidence on record. There is no evidence that the Notice (Doc D) was complied with and in the light of the unchallenged evidence on record and the stand of the representative of the Respondent that there is no objection for the cancellation of the registration of the Respondent, the Tribunal finds that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act. Rule 25.2 of the Rules of the Respondent provides as follows:

*25.2 All the debts and liabilities legally incurred on behalf of the Union shall be discharged and the remaining funds and property divided equally among the compliant members in the event of:*

*25.2.1 the Union being dissolved as provided in Rule 25.1.*

*25.2.2 the registration of the union being cancelled by order of the Employment Relations Tribunal.*

In the light of all the evidence on record including the stand of the representative of Respondent, the Tribunal directs the Applicant to cancel the registration of the Respondent. Any assets of the Respondent shall be disposed of as provided for by Rule 25.2 of the Rules 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.

Finally, the Tribunal will rely on section 105(3) of the Act in the present case since one of the members on the panel which heard the case travelled abroad after the case was heard.

**(SD) Indiren Sivaramen**

**Acting President**

**(SD) Bhawantee Ramdoss**

**Member**

**(SD) Kirsley E. Bagwan**

**Member**

**(SD) Muhammad Nayid Simrick**

**Member**

**29 August 2024**