

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 105/2024

Before:

Shameer Janhangeer	-	Vice-President
Alain Hardy	-	Member
Kirsley E. Bagwan	-	Member
Divya Rani Deonanan (Mrs)	-	Member

In the matter of:

Registrar of Associations

Applicant

and

Union Policière

Respondent

The Registrar of Associations has applied under *section 7 (3)* of the *Employment Relations Act* (the “*Act*”) for the cancellation of the registration of Union Policière as a Trade Union on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent’s representative and Secretary, Mr Ravindar Seedam had stated that he had no objection to the application. The Applicant was assisted by Mr M.Y. Alimohamed, Ag. Senior State Counsel. It must be noted that the Applicant’s representative left default on the day of the hearing despite being previously informed to appear.

At the hearing of the matter, the Applicant’s representative, Mrs R. Junkeesaw-Sunjhorrea, Ag. Principal Inspector deposed and notably produced the Certificate of Registration

of the Trade Union; a Notice issued under *section 7 (1)(d)* of the *Act* dated 22 March 2024 giving the Union a deadline up to 22 April 2024 to file overdue accounts; as well as the Rules of the Trade Union. She also stated that the Union has never submitted any returns since its registration.

Having considered the evidence on record, it is clear that the Respondent Union failed to respond to the Notice dated 22 March 2024 and file its Annual Returns by 22 April 2024. Moreover, the Respondent's stand is clear as regards the application. The Tribunal therefore finds that the registration of the Respondent Union should be cancelled pursuant to *section 7 (1)(d)* of the *Act*. The Respondent's Rules notably provide, at paragraph 26.2, that:

26.2 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:

...

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

The Tribunal therefore directs the Applicant to cancel the Respondent's registration as a Trade Union. Any assets of the Respondent shall be disposed of as provided for by paragraph 26.2 of the Respondent's Rules. In case the Respondent is not wound up as per the above, pursuant to *section 7 (9)* of the *Act*, the Respondent shall be wound up by the Applicant in the prescribed manner.

The Tribunal orders accordingly.

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(SD)Shameer Janhangeer
(Vice-President)

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(SD)Alain Hardy
(Member)

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(SD)Kirsley E. Bagwan
(Member)

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(SD)Divya Rani Deonanan (Mrs)
(Member)

Date: 13th December 2024