

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 117/2024

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

Confederation Mauricienne des Travailleurs

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 the Confederation Mauricienne des Travailleurs as a Federation on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent’s representative and President, Mrs Tajwantee Taukoorchand stated that she had no objection to the application. The Applicant was assisted by Ms G. S. Manna, State Counsel.

At the hearing of the matter, the Applicant’s representative, Mrs Z. Ackbarkhan, Principal Inspector deposed and notably produced the Certificate of Registration of the Federation; its Rules; and an Annual Return for the year 2018. She also stated that as per the last statement dated 31 December 2018, the Respondent has Rs 17,100 as cash at bank. No returns have been

submitted for the years 2019, 2020 and 2021. A Notice dated 30 December 2022 was served giving the Respondent up to 31 January 2023 to comply. The Respondent did not comply with same.

Having considered the evidence on record, it is clear that the Respondent Federation failed to respond to the Notice dated 30 December 2022 and file its Annual Returns by 31 January 2023. 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, that:

In the event of the Confederation being dissolved as provided above, all debts and liabilities legally incurred on behalf of the Confederation shall be fully discharged and the remaining funds be divided equally among the member-unions.

The Tribunal therefore directs the Applicant to cancel the Respondent's registration as a Federation. Any assets, including the cash at bank, of the Respondent shall be disposed of as provided for by paragraph 26 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