

**EMPLOYMENT RELATIONS TRIBUNAL**

**ORDER**

**ERT/ RN 153/23**

**Before**

<b>Indiren Sivaramen</b>	<b>Acting President</b>
<b>Anundraj Seethanna</b>	<b>Member</b>
<b>Christelle Perrin D'Avrincourt</b>	<b>Member</b>
<b>Ghianeswar Gokhool</b>	<b>Member</b>

**In the matter of:-**

**Registrar of Associations (Applicant)**

**And**

**Federation of Free Workers (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 President, Mr A. Victoire. The latter informed the Tribunal that there was no objection for the cancellation of the registration of the federation. The Tribunal thus fixed the matter for hearing and proceeded to hear the parties at another sitting.

The representative of the Applicant deposed before the Tribunal and she produced copies of (1) the rules of the Respondent (Doc A), (2) the certificate of registration of the Respondent (Doc B), (3) a statement recorded on 18 March 2019 from the President and Secretary of the Respondent to the effect that the Respondent had ceased to function since the year 2018 and that no committee meetings had been held (Doc C) and (4) the last return filed on behalf of the Respondent for the year ending 31 December 2014 (Doc D). The representative of Applicant stated that the rules of the Respondent did not mention anything about disposal of assets in the event of the registration of the Respondent being cancelled by order of the Employment Relations Tribunal. She prayed

for the cancellation of the registration of the Respondent and that the Tribunal also provides for the disposal of the assets of the Respondent.

The representative of the Respondent did not have any question for the representative of the Applicant and he stated that the Respondent had ceased to function.

The Tribunal has examined all the evidence on record. The written statement recorded on 18 March 2019 (Doc C) has not been challenged, and in the light of the stand of the representative of the Respondent and his statement before the Tribunal, the Tribunal finds that the Respondent has indeed ceased to exist or function. The Tribunal finds that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(a) of the Act.

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. 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) Anundraj Seethanna**

**Member**

**(SD) Christelle Perrin D'Avrincourt**

**Member**

**(SD) Ghianeswar Gokhool**

**Member**

**28 February 2024**