

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 18/2024

Before:

Shameer Janhangeer	-	Vice-President
Atchanah P. Ramasawmy	-	Member
Dr Sunita Ballah-Bheeka	-	Member
Muhammad Nayid Simrick	-	Member

In the matter of:

Registrar of Associations

Applicant

and

Middlesex International JSS Employees Union

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 Middlesex International JSS Employees Union as a trade union on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent’s representative had stated that there was no objection to the application and left default on the date of hearing. The Applicant was assisted by Mrs A. Sungkur-Daby, Senior State Counsel.

At the hearing of the matter, the Applicant’s representative, Mrs Z. Ackbarkhan, Principal Inspector of Associations deposed and notably produced the Respondent’s Certificate of Registration and a Notice dated 13 January 2023 requesting the union to submit its Annual

Returns, which it failed to do. The Respondent has no assets or liabilities as it has never submitted any returns since its registration.

Having considered the evidence on record, it is clear that the Respondent has failed to respond to the Notice dated 13 January 2023 and remedy the default. As such, it has also been borne out that no returns have ever been submitted to the Registrar of Associations as is required under *section 25 (1)* of the *Act*. The Tribunal therefore finds that the registration of the Respondent should be cancelled pursuant to *section 7 (1)(d)* of the *Act*. It should also be noted that the Respondent's Rules have not been produced.

The Tribunal therefore directs the Applicant to cancel the registration of the Respondent. The assets, if any, 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, pursuant to *section 7 (9)* of the *Act*, the Respondent shall be wound up by the Applicant in the prescribed manner.

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SD Shameer Janhangeer
(Vice-President)

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SD Atchanah P. Ramasawmy
(Member)

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SD Dr Sunita Ballah-Bheeka
(Member)

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SD Muhammad Nayid Simrick
(Member)

Date: 14th June 2024