

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 19/2024

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

ICT Authority 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 ICT Authority Employees Union as a trade union on the grounds specified under *section 7 (1)(a) & (d)* of the *Act*. The Respondent had no objection to the application. The Applicant was assisted by Mrs A. Sungkur-Daby, Senior State Counsel whereas Mr J. Aubeeluck, former President represented the Respondent Union.

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; a Notice dated 13 January 2023 requesting the Respondent to submit its Annual Returns; and a correspondence dated 19 May 2016 from Mr Aubeeluck stating that it has been

decided to dissolve the union from all activities further to the resignation of all the executive committee members and members. The Respondent's representative notably stated that all members have resigned, that the union cannot continue and must be dissolved. He agreed that the Respondent's registration must be cancelled.

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 by submitting its Annual Returns. Moreover, as per the letter dated 19 May 2016, it is clear that the Respondent has ceased to exist. Moreover, the Respondent's stand is clear as regards the application. The Tribunal therefore finds that the registration of the Respondent should be cancelled pursuant to *section 7 (1)(a) & (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