

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 75/24

Before

Indiren Sivaramen	Acting President
Anundraj Seethanna	Member
Christelle Perrin D'Avrincourt	Member
Ghianeswar Gokhool	Member

In the matter of:-

Registrar of Associations (Applicant)

And

Airport Workers Union (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 initially represented by its President, Mr Jainarain Pochun. The latter had informed the Tribunal that he had no objection for the cancellation of the registration of the trade union. The Tribunal thus fixed the matter for hearing and Mr Pochun was duly informed to attend the Tribunal. However, the representative of Respondent failed to attend the Tribunal though he was duly warned to appear for the hearing. Counsel moved to proceed in the absence of the representative, and the Tribunal acceded to the request of Counsel the more so that the representative of Respondent had already confirmed to the Tribunal that he had no objection to the cancellation of the Respondent.

The representative of the Applicant thus deposed before the Tribunal and she produced copies of (1) the certificate of registration of the Respondent (Doc A), (2) the rules of the

Respondent (Doc B), (3) a statement from the President of the Respondent, Mr Jainarain Pochun (Doc C), (4) a statement from the Assistant Secretary of the Respondent (Doc D) and a statement from the Assistant Treasurer of the Respondent (Doc E). On the basis of the statements produced, the representative of the Applicant prayed for the cancellation of the registration of the Respondent.

The Tribunal has examined all the evidence on record. The President of the Respondent stated in Doc C that the members present at a general meeting had unanimously decided to dissolve the Respondent. The Assistant Secretary and Assistant Treasurer in their statements (Docs D and E respectively) have requested the Applicant to cancel the registration of the Respondent since the latter has ceased to function. In the light of the unchallenged evidence on record including the statements produced and the stand of the representative of the Respondent already communicated to the Tribunal, the Tribunal has no hesitation in finding that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(a) of the Act. Rule 25.2 of the Rules of the Respondent provides as follows:

25.2 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:

25.2.1 the Union being dissolved as provided in Rule 25.1.

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

For the reasons given above, the Tribunal directs the Applicant to cancel the registration of the Respondent. Any assets of the Respondent shall be disposed of as provided for by Rule 25.2 of the Rules 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

20 September 2024