

**EMPLOYMENT RELATIONS TRIBUNAL**

**ORDER**

**ERT/ RN 76/24**

**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**

**The District Council North-Staff and Other Employees'  
Association (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 Navindranath Langur. The latter 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 proceeded to hear both parties at another sitting.

The representative of the Applicant 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) an annual return for the year 2014 with an annex pertaining to the dissolution of the union due to splitting of the Council and that the balance be shared among the members (Doc C), a statement given by the said Mr Navindranath Langur to the effect that the union was voluntarily dissolved at an AGM held in May 2013 and that

the remaining balance of the funds were equally distributed among its 35 members (Doc D), letters issued by the Applicant to the Assistant Secretary and Secretary of the Respondent requesting for documents for the voluntary dissolution (Docs E and E1) and further letters issued again to the Secretary and Assistant Secretary of the Respondent (Docs F and F1), and the notice served on the Respondent requesting the union to submit annual returns for the years 2015 to 2022 (Doc G). The notice was sent to the registered address of the Respondent and copied to the President, Secretary and Treasurer of the Respondent. Despite the notice, there was no response from the Respondent. The representative of the Applicant prayed for the cancellation of the registration of the Respondent.

The representative of the Respondent only stated to the Tribunal that they had been able to “solve” the issue since 2013.

The Tribunal has examined all the evidence on record. In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal has no hesitation in finding that the registration of the Respondent should be cancelled on the grounds specified under section 7(1) [(a) and (d)] of the Act. Rule 28 of the Rules of the Respondent provides as follows:

*28. Dissolution*

*(a) The Trade Union may be dissolved if a resolution for its dissolution is approved at a Special General Meeting of the trade union by a majority vote of the members present and voting thereat.*

*(b) In the event of the union being dissolved as provided above, all debts and liabilities legally incurred on behalf of the union shall be discharged and the remaining funds and property divided equally among the members whose names are not crossed out the register of members in accordance with these rules.*

...

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 28 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**