

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 132/2023

Before:

Shameer Janhangeer	-	Vice-President
Atchanah Ramasawmy	-	Member
Kirsley E. Bagwan	-	Member
Ghianeswar Gokhool	-	Member

In the matter of:

Registrar of Associations

Applicant

and

Professional Seafarers 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 Professional Seafarers Union as a trade union on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent’s representative and President, Mr Abdool Cader Battun stated that he had no objection to the application. The Applicant was assisted by Mr Y. Alimohamed, State Counsel instructed by Mr J. Chowrimootoo, Senior State Attorney.

At the hearing of the matter, the Applicant’s representative, Mrs Z. Ackbarkhan, Principal Inspector deposed and notably produced the Certificate of Registration of the trade union; the Annual Return of the trade union for the year 2018; a notice issued under *section 7 (1)(d)* of the

Act dated 4 January 2023 giving the union a deadline to file overdue accounts; as well as the Rules of the trade union. She also stated that despite the deadline in the notice, the returns for the years 2019, 2020 and 2021 have not been submitted. The Respondent's representative, Mr Battun made a statement to the effect that the union is finished and that he has no objection.

Having considered the evidence on record, it is clear that the Respondent union failed to respond to the notice dated 4 January 2023 and remedy the default. Moreover, the Respondent's stand is clear as regards the application. The Tribunal therefore finds that the registration of the Respondent union should be cancelled pursuant to *section 7 (1)(d)* of the Act. The Respondent's Rules notably provide, at paragraph 25.2, that:

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:

...

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

The Tribunal therefore directs the Applicant to cancel the Respondent's registration as a trade union. Any assets of the Respondent shall be disposed of as provided for by paragraph 25.2 of the Respondent's Rules. 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 Ramasawmy
(Member)

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SD Kirsley E. Bagwan
(Member)

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SD Ghianeswar Gokhool
(Member)

Date: 15th March 2024