

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 135/2023

Before:

Shameer Janhangeer	-	Vice-President
Anundraj Seethanna	-	Member
Christelle Perrin D'Avrincourt (Ms)	-	Member
Venusha Autar Hemrazsing (Mrs)	-	Member

In the matter of:

Registrar of Associations

Applicant

and

Bank of Mauritius Senior Officers 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 Bank of Mauritius Senior Officers 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 Miss H. Maherally, Ag. Principal State Counsel whereas Mr Jayvind Kumar Choolhun, Treasurer represented the Respondent Union.

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, an Annual Return for the year 2017, a letter dated 21 July 2020 from the Secretary and Treasurer of

the union informing that the union was inactive and had no complaint members, a notice issued under *section 7 (1)(d)* of the *Act* dated 24 January 2023 requesting the union to submit Annual Returns for the years 2014, 2018 to 2021, as well as the Rules of the union. No Annual Returns were submitted pursuant to the notice. Mr Choolhun for the Respondent notably stated that the members were not interested to continue with the union and most of them have left or retired from service; that it is better that the union be cancelled; and the union has a sum of Rs 95,497.04 in its HSBC bank account.

Having considered the evidence on record, it is clear that the Respondent union has ceased to function inasmuch as it has not submitted any Annual Returns as required under *section 25* of the *Act* since 2019 and that its members are not interested. The union did not respond to the formal notice dated 24 January 2023. 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)(a) & (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 under 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 Anundraj Seethanna
(Member)

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SD Christelle Perrin D'Avrincourt (Ms)
(Member)

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SD Venusha Autar Hemrazsing
(Member)

Date: 13th March 2024