

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 154/2023

Before:

Shameer Janhangeer	-	Vice-President
Atchanah Ramasawmy	-	Member
Kirsley E. Bagwan	-	Member
Divya Rani Deonanan (Mrs)	-	Member

In the matter of:

Registrar of Associations

Applicant

and

Mauritius Distributive and Other Trades 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 Mauritius Distributive and Other Trades Employees Union as a trade union on the grounds specified under *section 7 (1)(a) & (c)* of the *Act*. The Respondent had no objection to the application. The Applicant was assisted by Miss Mauree, Principal State Counsel whereas Mrs Marie Therese Sheila Severe, Secretary represented the Respondent Union.

At the hearing of the matter, the Applicant’s representative, Mrs L. Ramgoolam, Principal Inspector deposed and produced the Certificate of Registration of the trade union, its Rules, an Annual Return for the year 2013, a letter dated 29 September 2016 addressed to the Secretary

of the union requesting submission of Annual Returns for 2014 and 2015 and a letter dated 2 May 2018 from the Secretary of the union stating that the union has no members and that there is no objection for its deregistration. She also stated that no returns have been filed since 2013 and that the application is on the grounds that the union has ceased to function and that the membership is less than five. The Respondent's representative had nothing to say.

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 2015 and that it no longer has any members. 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) & (c)* of the *Act*. The Respondent's Rules do not provide for distribution of assets in the event of its cancellation by an order of the Tribunal.

The Tribunal therefore directs the Applicant to cancel the registration of the Respondent. The assets 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 Ramasawmy
(Member)

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SD Kirsley E. Bagwan
(Member)

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SD Divya Rani Deonanan (Mrs)
(Member)

Date: 15th March 2024