

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 133/23

Before

Indiren Sivaramen	Acting President
Anundraj Seethanna	Member
Kirsley E. Bagwan	Member
Divya Rani Deonanan	Member

In the matter of:-

Registrar of Associations (Applicant)

And

**Small and Medium Enterprises Development Authority Staff
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 represented by its Secretary, Mr S. Jauhalee. The latter informed the Tribunal that there was 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) the annual return filed for the accounting period ending December 2013 (Doc C), (4) letters sent to officers of the union (Docs D, D1, E, G, H, H1, H2, I, I1, I2, J, K, K1 and K2), letter received from the Respondent dated 18 November 2015 (Doc F), a statement made by the Secretary of the Respondent (Doc L) and the notice served under section 7(1)(d) of the Act (Doc M). He stated that the Respondent did not comply with the notice. He prayed for the cancellation of the registration of the Respondent under section 7(1)(a) and 7(1)(d) of the Act.

The representative of the Respondent did not have any question for the representative of Applicant and he stated that he had nothing to say.

The Tribunal has examined all the evidence on record. There is no evidence that the Notice (Doc M) was complied with and in the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal finds that the registration of the Respondent should be cancelled on the grounds specified under section 7(1) [(a) and (d)] 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.

In the light of all the evidence on record including the stand of the representative of Respondent, 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) Kirsley E. Bagwan
Member

(SD) Divya Rani Deonanan
Member

13 February 2024