

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 05/24

Before

Indiren Sivaramen	Acting President
A. Parsooram Ramasawmy	Member
Kirsley. E. Bagwan	Member
Divya Rani Deonanan	Member

In the matter of:-

Registrar of Associations (Applicant)

And

Private Hospitals Employees 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 representative of the Respondent, Dr Nizaam Mohit, informed the Tribunal that there was no objection for the cancellation of the registration of the trade union. At the hearing of the matter, both parties were assisted by Counsel before the Tribunal even though Counsel for Respondent confirmed that the application of the Applicant was not being resisted. The Tribunal thus proceeded to hear the matter.

The representative of the Applicant deposed before the Tribunal and she produced copies of (1) the Rules of the Respondent (Doc A), (2) the certificate of registration of the Respondent (Doc B) and (3) the notice served under section 7(1)(d) of the Act (Doc C) requesting the Respondent to submit annual returns for the accounting periods ending 31 December 2015, 2016, 2017, 2018, 2019, 2020 and 2021. She stated that despite the notice there was no response from the Respondent. She prayed for the cancellation of the registration of the Respondent.

The representative of the Respondent deposed before the Tribunal and he stated that he does not have any objection to the application. He produced a copy of an email (Doc D) he had sent to the Applicant.

The Tribunal has examined all the evidence on record. There is unchallenged evidence on record that the notice (Doc C) was not complied with and in the light of all the evidence on record including the evidence and stand of the representative of the Respondent, the Tribunal finds that the registration of the Respondent should be cancelled under section 7(1)(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) A. Parsooram Ramasawmy

Member

(SD) Kirsley. E. Bagwan

Member

(SD) Divya Rani Deonanan

Member

2 April 2024