

**EMPLOYMENT RELATIONS TRIBUNAL**

**ORDER**

**ERT/ RN 152/23**

**Before**

<b>Indiren Sivaramen</b>	<b>Acting President</b>
<b>Greetanand Beelattoo</b>	<b>Member</b>
<b>Cheetanand K. Bundhoo</b>	<b>Member</b>
<b>Divya Rani Deonanan</b>	<b>Member</b>

**In the matter of:-**

**Registrar of Associations (Applicant)**

**And**

**Textiles Industries Staff and Workers 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 Guinnesswar Mohun. 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) a letter emanating from the then President of the Respondent to the effect that the union had less than 25 members (Doc C), the Annual Return for the Respondent for the period ending 31 December 2018 (Doc D) and a bank statement for the Respondent for the period from 1 October 2019 to 31 December 2019 (Doc E). The representative of the Applicant stated that no Annual Return has been submitted for the

years 2019 to 2022. She prayed for an order for the cancellation of the registration of the Respondent on the ground that the Respondent has less than 30 members and that the Respondent has failed to submit annual returns.

The representative of the Respondent stated that he came to know that the then President of the Respondent has passed away. The latter had told him “no mette toi secrétaire”.

The Tribunal has examined all the evidence on record. In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal has no hesitation in finding that the registration of the Respondent should be cancelled on the grounds specified under section 7(1)(a) and section 7(1)(c) of the Act. The rules of the Respondent do not provide for the distribution of the assets of the union in case of cancellation of the registration of the Respondent by order of the Tribunal.

In the light of all the evidence on record, the Tribunal 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 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) Greetanand Beelatoo**

**Member**

**(SD) Cheetanand K. Bundhoo**

**Member**

**(SD) Divya Rani Deonanan**

**Member**

**5 March 2024**