

# EMPLOYMENT RELATIONS TRIBUNAL

## ORDER

**ERT/RN 115/2024**

*Before:*

<b>Shameer Janhangeer</b>	-	<b>Vice-President</b>
<b>Bhawantee Ramdoss (Ms)</b>	-	<b>Member</b>
<b>Christelle P. D'Avrincourt (Mrs)-</b>		<b>Member</b>
<b>Ghianeswar Gokhool</b>	-	<b>Member</b>

*In the matter of:*

**Registrar of Associations**

*Applicant*

**and**

**All Employees Confederation**

*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 All Employees Confederation as a Confederation on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent left default. The Applicant was assisted by Ms G. S. Manna, State Counsel.

At the hearing of the matter, the Applicant’s representative, Mrs L. Ramgoolam, Principal Inspector deposed and notably produced the Certificate of Registration of the Confederation; the Rules of the Confederation referring to paragraph 19.2 on dissolution; the last Annual Return filed for the period ending 31 March 2020; a Notice dated 26 July 2024 issued under *section 7 (1)(d)* of the *Act* giving the Confederation a deadline up to 9 September 2024 to file overdue

returns. She also stated that the Confederation has not submitted Annual Returns for the years ending 31 March 2021 to 31 March 2023. No Annual Returns have been submitted by the Union so far. As per the last Return, the Union has a cash balance.

Having considered the evidence on record, it is clear that the Respondent Confederation has failed to respond to the Notice dated 26 July 2024 and file its overdue Annual Returns. The Tribunal therefore finds that the registration of the Respondent Union should be cancelled pursuant to *section 7 (1)(d)* of the *Act*. The Respondent's Rules notably provide, at paragraph 19.2, that:

*In the event the Confederation is dissolved as provided for in rule 19.1, all debts and liabilities legally incurred on its behalf shall be fully discharged and the remaining funds divided proportionately - on the basis of the respective membership strength of each compliant affiliate - among its compliant affiliates, taking into account their monthly subscriptions.*

The Tribunal therefore directs the Applicant to cancel the Respondent's registration as a Confederation. Any assets of the Respondent shall be disposed of as provided for by paragraph 19.2 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.

The Tribunal orders accordingly.

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**(SD) Shameer Janhangeer**  
**(Vice-President)**

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**(SD) Bhawantee Ramdoss (Ms)**  
**(Member)**

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**(SD) Christelle P. D'Avrincourt (Mrs)**  
**(Member)**

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**(SD) Ghianeswar Gokhool**  
**(Member)**

**Date: 10<sup>th</sup> February 2025**