

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 119/2024

Before:

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

In the matter of:

Registrar of Associations

Applicant

and

Pre Primary School Employee's 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 Pre Primary School Employee's Union as a Trade Union on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent's representative and President, Mrs Moomawtee Koobloll stated that she was objecting to the application. The Applicant was assisted by Ms G.S. Manna, State Counsel. The Respondent was *inops consilii*.

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 Trade Union; the Rules of the Trade Union referring to paragraph 28 (b) on dissolution; the last Annual Return filed for the year ending 31 December 2016; a Notice dated 30 December 2022 issued under *section 7 (1)(d)* of

the Act giving the Union a deadline up to 31 January 2023 to file overdue returns; a letter dated 27 January 2023 from the Union asking for time to submit their Annual Returns; two letters dated 18 March 2024 sent to the Treasurer and Secretary of the Union respectively; and a Notice dated 8 July 2024 issued under *section 7 (1)(d)* of the Act giving the Union up to 31 July 2024 to submit the overdue returns. She also stated that the Union has failed to submit its Annual Returns for the years 2018 to 2023. The Union has communicated copies of its statements for the aforesaid years; these are incomplete as they have not been approved by an Annual General Meeting (“AGM”). Up to today, no Returns have been submitted. Mrs L. Ramgoolam was not questioned by the Respondent’s representative.

Mrs M. Koobloll chose to give evidence under solemn affirmation and stated the Annual Returns for the years 2018 to 2023 were not submitted as there were problems such as Covid and members were not meeting. A lot of members did not attend the last meeting. She requested for more time, if the Registrar of Association would agree, to put everything in order. As she would be retiring soon, she wished to put everything in order.

Having considered the evidence on record, it is clear that the Respondent Union has failed to respond to the two Notices dated 30 December 2022 and 8 July 2024 and file its overdue Annual Returns. Despite her objection, the Respondent’s representative did recognise that the Annual Returns were not duly submitted as requested. However, the Applicant’s stand was to insist with the application as the Returns communicated were not approved in an AGM. 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 28 (b), that:

In the event of the union being dissolved as provided above, all debts and liabilities legally incurred on behalf of the union shall be discharged and the remaining funds and property divided among the members whose names are not crossed out the register of members in accordance with these Rules.

The Tribunal therefore directs the Applicant to cancel the Respondent’s registration as a Trade Union. Any assets of the Respondent shall be disposed of as provided for by paragraph 28 (b) 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: 10th February 2025