

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/RN 122/2024

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

Syndicat des Travailleurs Unis de la Fonction Publique

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 Syndicat des Travailleurs Unis de la Fonction Publique as a Trade Union on the ground specified under *section 7 (1)(a)* of the *Act*. The Respondent's Representative, Mr Wahed Dilmahomed, Vice-President stated that he had no objection to the application. The Applicant was assisted by Ms G. S. Manna, State Counsel.

At the hearing of the matter, the Applicant's representative, Mrs Z. Ackbarkhan, Principal Inspector deposed and notably produced the Certificate of Registration of the Union under the name of Syndicat des Travailleurs Unis du Development; a Certificate of Change of Name; the Rules of the Union referring to Article XXV (e) regarding dissolution; a statement dated 14 January

2019 recorded by the Registrar from the Union's Secretary to the effect that the Trade Union has ceased to function since 2010; the last Annual Return submitted for the year 2008; and a statement recorded from the Union's President on 29 January 2020.

Having considered the evidence on record, it is clear that the Respondent Union has ceased to function since 2010 as per the statement recorded from its Secretary on 14 January 2019. Moreover, the stand of the Respondent regarding the present application is clear. The Tribunal therefore finds that the registration of the Respondent Union should be cancelled pursuant to *section 7 (1)(a)* of the Act. The Respondent's Rules notably provide, at Article XXV (e), that:

- (e) In the event of the union being dissolved*
 - (i) all the property of the union shall vest in the Registrar who shall use the property for paying as far as possible, all the debts and liabilities of the union and, then, the expenses of the winding up;*
 - (ii) the remaining property of the union, if any, after payment of all debts, liabilities and the expenses of the winding up, and shall be paid over by the Registrar to the "Workers Education Fund".*

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 Article XXV (e) 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