

# EMPLOYMENT RELATIONS TRIBUNAL

## ORDER

ERT/RN 106/2024

*Before:*

<b>Shameer Janhangeer</b>	-	<b>Vice-President</b>
<b>Anundraj Seethanna</b>	-	<b>Member</b>
<b>Cheetanand K. Bundhoo</b>	-	<b>Member</b>
<b>Ghianeswar Gokhool</b>	-	<b>Member</b>

*In the matter of:*

**Registrar of Associations**

*Applicant*

**and**

**Civil Service Manual and Other Staff 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 Civil Service Manual and Other Staff Union as a Trade Union on the ground specified under *section 7 (1)(d)* of the *Act*. The Respondent left default. The Applicant was assisted by Mr K. A. Putchay, Ag. Senior State Counsel.

At the hearing of the matter, the Applicant’s representative, Mrs R. Junkeesaw-Sunjhorrea, Ag. Principal Inspector deposed and notably produced the Certificate of Registration of the Trade Union; three Certificates of change of name; an Annual Return dated 28 July 2014; as well as the Rules of the Union. She also stated that the Union has not submitted any Annual Returns for the years 2014 to 2023 and that a Notice was served on the Union on 7 May 2024

requesting it to submit pending returns not later than 7 June 2024. The Union has not complied with the Notice.

Having considered the evidence on record, it is clear that the Respondent Union failed to respond to the Notice dated 7 May 2024 and file its 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 25.2, that:

*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:*

...

*25.2.2 the registration of the union being cancelled by order of the Employment Relations Tribunal.*

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 25.2 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)Anundraj Seethanna**  
**(Member)**

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**(SD)Cheetanand K. Bundhoo**  
**(Member)**

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

**Date: 17<sup>th</sup> January 2025**