

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 124/24

Before

Indiren Sivaramen	Acting President
Alain Hardy	Member
Kirsley E. Bagwan	Member
Divya Rani Deonanan	Member

In the matter of:-

Registrar of Associations (Applicant)

And

Union of Public Officers of Ex-TDA Workers (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 President, Mrs Tajwantee Taukoorchand. 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 stated that the Respondent was formerly known as the Union of Labourers of the Sugar and Tea Industries. She produced copies of (1) the certificate of registration of the Union of Labourers of the Sugar and Tea Industries (Doc A), (2) the certificate of change of name to the current name of the Respondent (Doc B), (3) the Rules of the Respondent (Doc C), the last annual return filed on behalf of the Respondent for the period ending 31 December 2018 (Doc D) and the notice dated 14 December 2022 (Doc E) issued on the

Respondent granting a delay up to 31 January 2023 for the Respondent to submit its annual returns for the accounting period ended 31 December 2019, 2020 and 2021. She stated that up to now the Respondent has not filed the above-mentioned annual returns. She stated that according to last return filed by the Respondent, the latter had cash at bank. The representative of the Applicant prayed for the cancellation of the registration of the Respondent.

The representative of the Respondent stated that she had no questions for the officer representing the Applicant and that she had no statement to make to the Tribunal.

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 ground specified under section 7(1)(d) of the Act.

For the reasons given above, the Tribunal directs the Applicant to cancel the registration of the Respondent. Any assets of the Respondent shall be disposed of in the same manner as provided for by Rule 28 of the Rules of the Respondent, that is, all debts and liabilities legally incurred on behalf of the union shall be fully discharged and the remaining funds divided equally among the members. 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) Alain Hardy

Member

(SD) Kirsley E. Bagwan

Member

(SD) Divya Rani Deonanan

Member

17 January 2025