

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 116/24

Before

Indiren Sivaramen	Acting President
Greetanand Beelattoo	Member
Christelle Perrin D'Avrincourt	Member
Venussha Autar	Member

In the matter of:-

Registrar of Associations (Applicant)

And

Tobacco Board Employees Union (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. Both the Applicant and the Respondent were assisted by Counsel. Counsel for Respondent confirmed that the Respondent had no objection for the cancellation of its registration. The Tribunal thus proceeded to hear the matter.

The representative of the Applicant deposed before the Tribunal and she produced certified true copies of (1) the certificate of registration of the Respondent (Doc A), the Rules of the Respondent (Doc B), a certificate of registration of partial alteration of Rules of the Respondent (Doc C), and a notice dated 30 July 2024 served under section 7(1)(d) of the Act on the Respondent (Doc D). She stated that the Respondent has failed to submit its annual returns for the periods ending 31 December 2020, 2022 and 2023. As per the notice, the Respondent was given up to 30 August 2024 to file the missing annual returns but even then the Respondent did not file the said annual returns as at 30 August

2024. She stated that the Respondent attempted to file the missing annual returns only on 26 November 2024 before the Tribunal. The representative of the Applicant stated that even then the returns were incomplete and she mentioned the relevant parts of the returns which were incomplete. She also stated that whilst the Rules of the Respondent provide for the accounts or statements to be audited by two auditors, yet the returns submitted in November 2024 referred to only one auditor signing the Certificate of Auditors. The representative of the Applicant prayed for the cancellation of the registration of the Respondent.

Counsel for the Respondent stated that he had no questions for the officer representing the Applicant and closed the case for the Respondent.

The Tribunal has examined all the evidence on record. In the light of the unchallenged evidence on record and the stand communicated to the Tribunal by Counsel for 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.

The Rules of the Respondent do not provide for the disposal of the assets of the Respondent in the event of the cancellation of the registration of the union by an order of the Employment Relations Tribunal.

For the reasons given above, the Tribunal directs the Applicant to cancel the registration of the Respondent. Any assets of the Respondent, shall be used to pay, as far as possible, all the debts and liabilities legally incurred on behalf of the Respondent. Any remaining assets shall then be divided equally among compliant members of the Respondent. 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) Greetanand Beelatoo

Member

(SD) Christelle Perrin D'Avrincourt

Member

(SD) Venusha Autar

Member

7 March 2025