



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE G.S. AHLUWALIA

ON THE 6th OF SEPTEMBER, 2024

WRIT PETITION No.19817 of 2013

MADHYA PRADESH SHRAMJEEVI PATRAKAR SANGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Ms. Anshika Yadav – Advocate for the petitioner.

Shri Dilip Parihar – Panel Lawyer for the respondents/State.

None for respondent No.3.

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ORDER

This petition under Article 226 of Constitution of India has been filed against order dated 06/07/2013 as well as order dated 30/09/2013 passed by Registrar, Trade Union, by which application filed by respondent No.3 for change of its name as "M.P. Working Journalist Union" in place of "Working Journalist Union" has been allowed.

2. It is submitted by counsel for petitioner that by order dated 06/07/2013, name of respondent No.3 was changed, against which petitioner filed an objection alleging that the name of respondent No.3 is similar to the name of petitioner Union and it is the English translation. However, said objection was not considered favourably and it was rejected by order dated 30/09/2013. It is submitted by counsel for petitioner that petitioner Union is working in the name of Madhya Pradesh Shramjeevi Patrakar Sangh and its English translation would be "M.P. Working Journalist Union". Petitioner raised an objection with



regard to the proposed amendment in the name of respondent No.3 but without considering the objection as well as the fact that English translation of name of Trade Union of petitioner is deceptively similar, objection has been dis-allowed. It is submitted that in the year 1998, some of the persons had made an attempt to convene a meeting in the name of "Working Journalist Union" which was temporarily enjoined by the Civil Court. After raising an objection by petitioner, registration of "Working Journalist Union" was rejected by the Registrar. It is submitted that thereafter Registrar has accepted the registration of respondent No.3 in the name of "M.P. Working Journalist Union". It is submitted that Section 23 of Trade Unions Act empowers the competent Authority to reject the registration of name of Trade Union if it is likely to deceive the public or members of the Trade Union. In order to find out as to whether there is any similarity in the names of two Trade Unions, the Authority must make an attempt to find out the similarity and should not look for distinction in the names.

3. None for respondent No.3 though served.
4. Heard learned counsel for the petitioner.
5. The Registrar by impugned order has held that so far as the similarity in the names of both the Trade Unions is concerned, they appears to be different names which are representing intelligent members of the Society and all the members of both the Unions are aware of the fact that they are the members of which Union and there is no possibility of any confusion.
6. Section 25 of Trade Unions Act reads as under:-

“25. Notice of change of name or amalgamation.- (1) Notice in writing of every change of name and of every amalgamation



signed, in the case of a change of name, by the Secretary and by seven members of the Trade Union changing its name, and in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is a party thereto, shall be sent to the Registrar and where the head office of the amalgamated Trade Union is situated in a different State, to the Registrar of such State.

(2) If the proposed name is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the register referred to in section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar of the State in which the head office of the amalgamated Trade Union is situated shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the Trade Union formed thereby is entitled to registration under section 6, register the Trade Union in the manner provided in section 8, and the amalgamation shall have effect from the date of such registration.”

7. From plain reading of Section 25(2) of Trade Unions Act, it is clear that if the proposed name is identical with that by which any other existing Trade Union has been registered, or in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name. Thus, resemblance likely to deceive



public is basic guideline for considering the request for change of name of Trade Union.

8. In order to find out as to whether there is any resemblance in the names of Trade Unions which may deceive the general public, the Registrar should not look for difference in the names but should look for similarities. The Registrar should have considered as to who are the persons likely to be deceived or confused due to the resemblance between two names and what are the rules of comparison to be adopted in judging whether such resemblance exists or not and what are the common elements and what is the first impression.

9. If the impugned order passed by Registrar is considered, then it is clear that after mentioning facts of the case and objections raised by petitioner, conclusion has been drawn directly without assigning any reason.

10. The reasons are the heart beats of the order and they are necessary to find out as to what prompted the Authority to pass the order in question.

11. Since the order under challenge is an unreasoned order and without any reason to justify the conclusion, therefore this Court is of considered opinion that order dated 30/09/2013 passed by Registrar, Trade Union cannot be affirmed. It is, accordingly, **quashed**.

12. The matter is remanded back to the Registrar, Trade Union to decide the objections afresh. The parties are directed to appear before the Registrar, Trade Union on **24/10/2024** and Registrar, Trade Union shall decide the matter afresh by considering the fact that who are the persons who are likely to be deceived and what are the similarities which may deceive the members of Trade Unions.



13. Accordingly, petition succeeds and is hereby allowed.

**(G.S. AHLUWALIA)
JUDGE**

S.M.