

FAREWELL SPEECH ON THE RETIREMENT OF
JUSTICE P. S. TEJI

13.08.2018

My esteemed sister and brother colleagues,

Smt. Maninder Acharya, Additional Solicitor General of India,

Sh.Kirti Uppal, President Delhi High Court Bar Association,

Mr.J.P. Sengh, Vice-President, Delhi High Court Bar Association,

Sh. Amit Sharma, Secretary, Delhi High Court Bar Association,

Mr. Ramesh Singh , Standing Counsel, (Civil), Govt. of NCT. of Delhi.

Mr. Rahul Mehra, Standing Counsel, (Criminal) Govt. of NCT of Delhi.,

Other Standing Counsels of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

President, Secretary and Office bearers of all the Bar Associations of Delhi.

President, Secretary and Office bearers of the Bar Council of Delhi,

Senior Advocates,

Learned Members of the bar,

Officers of the Registry

Family Members of Justice P. S. Teji

And every one present

We have assembled here to bid farewell to Justice P.S. Teji who is demitting office on his superannuation after a distinguished career.

Born on 14th August 1956 in Punjab, Justice P. S. Teji has had an impressive academic record. He did his schooling and graduation from Faridkot, Punjab and Post-Graduation from Punjab University, Chandigarh. He completed his graduation in Law with first division from Punjab University, Chandigarh.

Justice Teji started his practice as a Lawyer in Punjab and Haryana High Court in 1983. He represented Union of India and had expertise in Constitutional Law, Civil, Criminal and Service Matters. He was Assistant Advocate General, Punjab from February, 1991 to July, 1993.

In 1995, he joined the Delhi Higher Judicial service. He presided over as Additional District Judge, Additional Sessions Judge, Special Judge (NDPS), Essential Commodity Act, CBI Trial, Presiding Officer Industrial Tribunal and cases investigated by DRI and Customs.

In May 2009, Justice Teji was appointed as District Judge-Cum-Special Judge , PC Act (CBI). He became District and Sessions Judge (East) and held the position for 5-½ years.

Though I did not have an occasion to work with Justice P.S. Teji, still during the last few days I had occasions to interact with him and from what I have gathered from my companion

Judges, indicate that he has had a remarkable journey as a Judge and I find him to be a gentleman par excellence.

During his stint as a District and Sessions Judge(East), Justice Teji had contributed substantially in completion of various projects at Karkardooma Court Complex including construction and distribution of 480 Lawyers Chambers, construction and functioning of First paperless E- court of India, Model Lock-up, first child witness court of India and first Vulnerable Witness Examination court.

Justice Teji was elevated to Delhi High Court as an Additional judge with effect from 15th December, 2014 and became a permanent Judge on 3rd June, 2016. Justice Teji has also headed the **Committee to Consider Matter Relating to Welfare of Judicial Officers, Committee to Review Current Posting of Judicial Officers, make recommendations for posting and transfer of Judicial Officers as well as rationalization of Allocation of work**. Further, he has contributed to the development of the judicial system as a member of various other Committees. During his tenure as a High Court Judge, he has an impressive record of disposal and there are about 300 reported judgements to his credit.

Justice P. S. Teji has been a judge par excellence, he is known for his legal acumen, specially in Criminal Jurisprudence. He has judicious disposition and an endearing personality. His equable temperament, amazing fortitude and

humility on and off the Bench has received great respect and acknowledgement from the Bar.

Justice Teji has displayed persistent and unyielding commitment to expeditious judicial disposals. Having stellar legal acumen, he has always upheld the cause of justice and legal principles as the prime theme in all his judicial decisions. The same is reflected from his various pronouncements in diverse jurisdictions.

In Udit Raj Vs. State (Govt. of NCT of Delhi), while deciding a bail matter, Justice Teji held that the important components of Article 21 are the deprivation of life, deprivation of personal liberty and the procedure established by law. The scope of Article 21 demands that the procedure must not only be established by law but it must be just, fair and reasonable meaning thereby, it shall be in conformity with justice, fairness and reasonableness.

In Arvind Kejriwal Vs Arun Jaitley and Ors., a question came up while deciding a Criminal Miscellaneous application under Section 482 of Criminal Procedure Code before the Court of Justice Teji whether criminal proceedings could continue or were required to be stayed during pendency of civil suits. Justice Teji held that the fact that the decree for damages had been passed against the petitioner by a civil court would not stand in the way of his being prosecuted for defamation. There was no reason to see as to how pendency of a civil matter itself operates as a bar for the respondents setting in motion criminal law which was separate and

independent remedy available to any aggrieved person in such situation. He held that there was no bar for the magistrate in taking cognizance of offence which he may have been committed by a person whose matter was still pending in civil court.

In **Bhawani Verma Vs Union of India and Ors**, while deciding a criminal writ petition for quashing of detention order under **COFEPOSA Act, 1974** on the ground of delay in passing the detention order, Justice Teji held that subjective satisfaction based upon 'material facts' is necessary for the detaining authority and held that if the detenu is in custody and there is no imminent possibility of his release, then the rule of preventive detention should not be exercised. However, when there is an imminent possibility that the said detenu who is in custody may be released then in such cases, the power of preventive detention can be exercised, the subjective satisfaction accorded by the detaining authority was on the basis of likelihood of getting bail by the detenu in the case by the competent court and in any case he will also be entitled for bail after 60 days under Section 167 CrPC, if no complaint is filed before the expiry of the said period. Justice Teji further held that the grounds of detention constitute a separate and independent ground under Article 25(5) of the Constitution of India read with Section 5A of COFEPOSA. The said grounds can be separated by applying the principle of segregation.

In **Central Bureau of Investigation Vs. Govt. of NCT of Delhi**, the respondent had filed an application before the

Special Judge CBI to return the original documents seized by the CBI in an FIR under Section 120-B of IPC and Section 13(2) read with section 13(1) (d) of PC Act, 1988. The learned Special CBI Court had allowed the application of the respondents. The same came to be challenged before Justice Teji and setting aside the same, Justice Teji held that the view taken by the Special CBI Court that there was requirement to examine the relevancy of the documents at the time of seizing of the the documents was neither justifiable nor desirable, that during the raid several documents were seized from the Government Offices, neither it was possible to check each and every document at the spot nor was it possible to scrutinize the documents for the purpose of seizing the same and that the necessity of the documents could be judged only by going through the documents which did not appear to be feasible at the time of conducting the raid. Justice Teji further held that the documents asked to return are voluminous and are the subject matter of an investigation which is at the initial stage, therefore, direction given by the impugned order to disclose the relevancy of the documents is neither justifiable nor sustainable in the eyes of law.

In **Motilal Vora & Ors. Vs. Subramanian Swamy & Ors.**, it had been contended that the trial court, while considering an application under Section 91 Cr.PC, the Court was required to see the desirability and necessity of the document to be summoned but the Trial Court without ascertaining the necessity of the documents, summoned them

against the settled principles of law. Further, no notice of the application had been given to the petitioner. Justice Teji held that the Trial Court without giving any notice or opportunity of hearing to the opposite side, that too in a criminal case, would tantamount not only to the violation of the principles of natural justice but also to the violation of Article 21 of the Constitution of India. It was further held that while passing the order under Section 91 Cr.PC for summoning the documents, if the other party has already joined the proceedings, is entitled to be heard.

Justice Teji's contribution to the legal fraternity will be forever remembered. As he prepares to depart, his presence on the Bench will be missed by all of us.

Justice P.S. Teji has rendered yeoman service to the institution and ably discharged his constitutional obligations. He will be remembered for his positive support in all court related activities, we wish him good health and many more years of joy and happiness.

As he departs from our Bench, I myself and on behalf of my colleagues, convey our best wishes to Justice P. S Teji.

Thank You.