

FAREWELL SPEECH DELIVERED BY HON'BLE MR. JUSTICE BADAR DURREZ AWMED, JUDGE, ON THE RETIREMENT OF HON'BLE MR. JUSTICE D. MURUGESAN, CHIEF JUSTICE, DELHI HIGH COURT.

Hon'ble Mr Justice, D. Murugesan, the Chief Justice, my brother and sister colleagues on the Bench, Mr A.S. Chandhiok, Additional Solicitor General of India and the President of the Delhi High Court Bar Association, Mr P.P. Malhotra, Additional Solicitor General of India, Mr Rajeev Mehra, Additional Solicitor General of India, Mr J.P. Sengh, Vice-president of the Delhi High Court Bar Association, Mr Mohit Mathur, Secretary, Delhi High Court Bar Association, Executive Members of the Delhi High Court Bar Association, Mr R.S. Goswami, Chairman, Bar Council of Delhi, Mr Murari Tiwari, Secretary, Bar Council of Delhi, Ms Zubeda Begum, Standing Counsel (Civil), Government of NCT of Delhi, Mr Pawan Sharma, Standing Counsel (Criminal), members of the Bar, family members of the Chief Justice, ladies and gentlemen.

We are gathered here to bid farewell to our Chief Justice, the head of the judicial family in Delhi, as he would be demitting office in a few days. Chief Justice Murugesan has been with us in

Delhi for just over 5 months. But, in this short span of time, through his simplicity, he has endeared all of us.

Many milestones have been achieved by this court under his leadership. Some of them are – the facility of electronic court fees being made available in Delhi, the setting up of the International Chapter .of the Delhi High Court Arbitration Centre, the inauguration of the new wing of the Delhi High Court Mediation Centre and, recently, when the Chief Justice of India laid the foundation stone for the reconstruction of an entire block of the High Court Building.

Chief Justice Murugesan, after a brilliant academic career, was enrolled at the bar on the 27<sup>th</sup> of August 1975 and practiced as a lawyer for almost 25 years till his elevation as a Judge of the Madras High Court in March 2000. In his initial years as a lawyer, he worked with Mr K.K. Venugopal and Rangarajan Kumaramangalam. During his years of practice at the bar before the Madras High Court, he was counsel for the University of Madras (1984-87) and the Corporation of Chennai (1992-96). He was the Special Government Pleader for Education and for writs

during 1994-98, when on 8<sup>th</sup> of December 1998 he became the Government Pleader.

He was a Judge of the Madras High Court for almost 12 ½ years, till he was sworn in as the Chief Justice of this Court on the 25<sup>th</sup> of September, 2012. I was amazed to learn about his disposal figures when he was a Judge of the Madras High Court. I would like to share them with you. He disposed of 58,630 main cases, which included cases before Single, Division and Full Benches, while sitting at Chennai. A further 5,787 main cases were similarly decided by him at the Madurai Bench. In all, he disposed of 64,417 main cases and an almost equal number of miscellaneous cases taking the combined total to approximately 1,25,000 matters! This is, indeed, a remarkable feat. Particularly so, when it is coupled with his quiet simplicity and self-effacive disposition. It displays his tireless quest for delivering justice.

Another incident which I came to happen upon needs to be mentioned to outline his desire to do justice and his readiness to do so at any time and place. He was busy with the conduct of the Civil Judge Recruitment Examination on a Sunday at a college in

Chennai. An urgent application of a detenu for attending his father's funeral was brought to his knowledge while he was at the college. He immediately constituted a Division Bench along with another honourable Judge who was also present and heard the matter in the room of the college principal and granted the detenu the permission. This is yet another example of Chief Justice Murgugesan's dedication and commitment to do justice cutting out all formalities and technicalities.

His distinguished tenure as a Judge of the Madras High Court is dotted with many landmark and path breaking judgments on all branches of law, including constitutional law, criminal law, law relating to Intellectual Property Rights, taxation, company law, environmental law, personal laws and service law. He has a deep concern for protecting the environment and to this end he suggested the banning of use of plastic bags.

In Delhi, also, his concern has been for providing speedy and qualitative justice for the poor, the needy and the downtrodden and weaker sections of society.

In a judgment pronounced on 21<sup>st</sup> of December 2012, in a case relating to sexual harassment at the work place, while holding the enquiry conducted to be not in accordance with law, he showed his humane side by observing that ordering a fresh inquiry would force the victim to a long drawn litigation which would not be in her interest. He further observed that a woman complaining of sexual harassment invites undue and unfavourable attention to herself, is singled out and left friendless and attempted to assuage her plight by not ordering a fresh enquiry and declaring the complaint to be not false and awarded compensation and costs of Rs 5,50,000. Furthermore, noticing that the appeal had remained pending in this court for some time, administrative directions were issued for giving priority of hearing to such cases.

In another case, *Social Jurist v. Government of NCT of Delhi*, decided on 19<sup>th</sup> February, 2013, Chief Justice Murugasen observed:

"Unlike other fundamental rights, the Right to Education places a burden not only on the State but also on the parent or guardian of every child and on the

child itself. Education occupies an important and sacred place in our constitution and culture. It is a tool for betterment of our civil institution, protection of our civil liberties and path to an informed and questioning citizenry."

In this backdrop, while holding that the Right to Education Act in its present form was not applicable to nursery schools, he observed that there cannot be a different yardstick for education of children up to the age of 14 years irrespective of the fact that it applies only to elementary education.

He also observed that:

"It is common knowledge that though there is obligation on the State to provide free and compulsory education to children and the corresponding responsibility of the institutions to afford the same, educational institutions cannot be allowed to run as 'Teaching Shops' as the same would be detrimental to equal opportunity to children. This reality must not be ignored by

the State while considering the observations made in this judgment. Hence, we only observe that to avail the benefit of the Right to Education Act to a child seeking for nursery school as well, necessary amendment should be considered by the State. We hope and trust that the Government may take the above observation in the right spirit and act accordingly."

On a personal front, I first came into contact with Justice Murugesan at a meeting of the National Court Management Systems Committee last year. He presented the case for court management based on his vast experience as a Judge of the Madras High Court with great clarity and demonstrated a great vision in his suggestions. Shortly, thereafter he was sworn in as the Chief Justice of this Court. It is then that all my brother and sister Judges got to really know him. He conducted all the Full Court, Administrative Committee and other Committee meetings with great skill and quiet confidence. He has been a source of

great encouragement for all of us in dispensing justice and in performing our 'invisible' administrative functions.

What has impressed me most is his rock solid self belief and forthrightness. He has remained calm through adversity and has been a source of strength for us. As I said before, in the short span of 8 months he has endeared all of us.

I end by quoting Richard Bach, an American writer:-

"Don't be dismayed at good-byes. A farewell is necessary before you can meet again. And meeting again, after moments or lifetimes, is certain for those who are friends."

Farewell Chief Justice. But, we shall miss you.

**THANK YOU**