FAREWELL REFERENCE ADDRESS BY HON'BLE MR. JUSTICE DEVENDRA KUMAR UPADHYAYA, CHIEF JUSTICE, HIGH COURT OF DELHI ON HIS ELEVATION AS JUDGE, SUPREME COURT OF INDIA

My esteemed Brothers Justice Sambre and Justice Mehta and other esteemed sister and brother Judges at the High Court,

My friend Justice Manjive Shukla, Judge, Allahabad High Court,

Shri Chetan Sharma, Additional Solicitor General of India,

Shri N. Hariharan, President, Delhi High Court Bar Association,

Shri Sachhin Puri, Vice-President, Delhi High Court Bar Association,

Shri Vikram Singh Panwar, Secretary, Delhi High Court Bar Association,

Shri Sanjay Lao, Standing Counsel (Criminal), Govt. of NCT of Delhi,

Shri Sameer Vashisht, Standing Counsel (Civil), Govt. of NCT of Delhi,

Standing Counsels of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Office Bearers of Bar Council of Delhi and other District Bar Associations,

Senior Advocates,

Members of the Bar,

Officers and staff of the Registry,

Ladies and Gentlemen,

A very Good Afternoon to all of you.

All of you have spoken very highly of me and I am indebted to you for the kind words. I am truly heartened to see that so many of you have gathered to make this moment truly special. As I speak today, I cannot help but reminisce my journey which began from Lucknow. I fondly remember the days when I started practicing as an advocate under the tutelage of my father and other seniors of the Lucknow bar. During those days, the profession was as crowded and at first blush, it felt as hopeless as it might appear today to a young lawyer. I was not different, and while spending my time trying to find my way through the deep and dark corridors of courts and

tribunals in Lucknow and Allahabad, I could never have imagined a day like this. During my time on and off the bench, I was fortunate to meet some of the kindest people, some of whom walked besides me and some ahead of me. I was fortunate to have met people who held my hand when I needed help and gave a pat on my back when I needed motivation. I am sharing this today to convey to my younger friends that mutual support is the hallmark of this professional journey. It would be selfish for me to claim my success as my own. From the day we are born, we are dependent on support – of parents, friends, partners, professional acquaintances, seniors and even kind strangers. We may or may not realize, but throughout our life, we walk on the shoulders of others and when we achieve something, we must have the humility to accept that our success is the outcome of shared effort. Today, I take this opportunity to thank my friends, seniors, juniors and kind strangers who met me on the way and made this journey remarkable.

During my 15 years on the bench, I have been fortunate to have dealt with cases concerning people from all walks of life and from all parts of the society. As a Judge, I have always tried to bind law,

justice and compassion together. Like other Judges, I came across unforeseen situations when law was not able to ensure a just outcome in the case and it appeared isolated from justice. In such situations, I tried to softly bend the law towards justice for the deserving litigant, and to be able to do so has been a blessing for me. I cannot tell whether or not I have succeeded in imparting justice. In fact, I should not even try because it would be an act of deciding my own cause. But I can confidently share that judgeship has given me a great sense of satisfaction. The opportunity to mitigate the sufferings of a litigant and to be able to fulfill the constitutional promise of justice made to the citizens are the hallmarks of judgeship.

When I joined the bench 15 years ago, I was full of gratitude for the opportunity to serve the people of Uttar Pradesh. Thereafter, I was moved to the Bombay High Court where I got the opportunity to serve the people of Maharashtra. Both Uttar Pradesh and Maharashtra are territorially large States and unique administrative challenges are associated with the judicial administration of large states. However, I managed to walk through with the help of my

sister and brother Judges and, in fact, I was fortunate to witness diverse cultures from such close quarters.

Thereafter, I came to this Court. It is correct that the Delhi High Court exercises jurisdiction over a smaller territory, as compared to Uttar Pradesh or Maharashtra, and an outsider may think it to be easy to run this institution. But it is not, because the sheer complexity and gravity of causes that this Court deals with are unparalleled. Today, as I proceed to the Supreme Court of India, I am thankful for the lessons learnt during this journey. The lessons shall stay with me and would help me in understanding the national causes that come before the Supreme Court.

To my colleagues on the Bench: I not only hold that Chief Justice is only first amongst equals but all along, I have endeavoured to practice it. I believe in goodness of people and I tell you, I have never lost confidence in this virtue of people. This belief in goodness has helped me sail through the troubled and or rough waters which every human being comes across in his pursuits.

In the legal discourse globally, there has been a debate on good versus great Judge. In this respect, I am reminded of Justice Potter Stewart. He was an Associate Justice of the Supreme Court of the United States and he said, “The mark of a good Judge, good Justice is that when you are reading their decisions, their opinions, you cannot tell if it is written by a man or a woman, a liberal or a conservative, a Muslim, Jew or a Christian. You just know you are reading a good decision.” My endeavour has been to be a good Judge, may not be a great Judge.

Friends, I cannot talk about this Court without talking about the members of this esteemed bar. When the Supreme Court of India was formally inaugurated in 1950 after the abolition of Federal Court, it was expressed by various stakeholders that Delhi may not be the best place for the seat of the Supreme Court as the city did not have a well cultivated bar. It was not a presidency town and was only known for being the principal seat of national politics. However, the apprehensions were proven wrong with the development of a stellar and intellectually rich bar in Delhi post-independence. This institution has played a key role in the development of this bar and

there is no denial of the fact that this bar has been at the forefront in dealing with legal, judicial, political and social issues. The city of Delhi has shaped a bar which is both diverse and unique, and holds no parallel in the entire country. This bar has also given back to the city in ample measure by constitutionally agitating the issues affecting its citizens, ecology, history, diversity and rule of law. I am equally thankful to the members of the bar for always assisting me and for making me want to outperform myself. The pursuit of justice is the shared goal of the bar and the bench, and collective effort makes this pursuit worthwhile.

We often hear that Delhi is a city which embraces everyone like its own. It is a unique city which is often characterized by its chaos, but becomes home to every person who comes with a mindset of honesty, hard work and industry. I have been no different.

Friends, very few things amaze me. What amazes me is not the diversity of this country but its capacity to assimilate. India is often described as a melting pot or salad bowl of cultures. Some say, and I agree with them, India is more like a thali comprising of different

dishes served on a platter and I find Delhi High Court an Indian Thali. I am grateful to all of you for making me feel like home in this great institution, for encouraging me to serve better, for correcting me where I faulted, and for having faith in me both on the judicial and administrative side.

I shall be failing in my personal duty if I do not mention about the support of my family – especially my parents, my wife and my friends. The innumerable sacrifices made by them on a day-to-day basis have enabled me to work to the best of my ability. We often fail to talk about family and friends, but its presence adds colour to every single day of life. It is the trust of the family that enables one to step outside the comfort zone and achieve unconventional success.

Friends, the day you step into an institution, the thought of this day automatically comes to your mind. I have been no different. The day I held the office of Chief Justice of this Court, I knew that soon, the day would come when I'll have to bid farewell to this institution. But just because you know it, it does not mean that the goodbye becomes easy. However, as I bid farewell today, it feels less like a

good-bye and more like an opportunity to thank you all. I am thankful to my colleagues on the bench for gracefully accepting me and for providing me a cordial working environment. During difficult times on the administrative side, my sister and brother Judges offered great support, guidance and wisdom. I have benefitted immensely from their presence, both on the judicial and administrative side. Alongside work, we have also spent some great time together in the background. I am confident that whenever I would look back at those moments, it would not be without a smile on my face.

I may also thank the officers and officials of the Registry. They have been my support system and have truly functioned as my arm on the administrative side. I thank the members of my Secretariat and residential office, my usher, my driver, my PSOs and my law clerks for helping me in performing optimally.

I have incurred a debt to all of you, the members of the Bench and the Bar alike, and to my personal staff, which I will not be able to repay.

Moments like the present one makes me ask for forgiveness. I seek pardon if in any manner, by my words or deeds I ever caused pain to anyone.

On a lighter side, I feel that a farewell can have two sides to it. It is not always necessary that it makes people sad. ***Oscar Wilde*** said and I quote –

"***Some (people) cause happiness <u>wherever</u> they go;***

others, <u>whenever</u> they go."

I do not know in which category I will be placed from tomorrow, but some answers only lie in posterity.

And now a final bow to all present here.

Thank you and Jai Hind!