

**FAREWELL SPEECH ON THE RETIREMENT OF HON'BLE  
MR. JUSTICE CHANDER SHEKHAR, THE JUDGE OF DELHI  
HIGH COURT ON 24.01.2020 AT 3:00 P.M.**

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**JUSTICE D. N. PATEL**  
**CHIEF JUSTICE**

Justice Chander Shekhar,  
My esteemed brother and sister Judges,  
Smt. Maninder Acharya, Additional Solicitor General,  
Shri K.C. Mittal, Chairman, Bar Council of Delhi,  
Shri Mohit Mathur, President, Delhi High Court Bar Association,  
Shri Jatan Singh, Vice-President, Delhi High Court Bar  
Association,  
Shri Abhijat, Secretary, Delhi High Court Bar Association,  
Shri Rahul Mehra, Standing Counsel (Criminal), Govt. of NCT of  
Delhi,  
Shri Ramesh Singh, 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,  
Family members of Justice Chander Shekhar,  
Ladies and Gentlemen,

We have assembled here today to bid farewell to our esteemed colleague Justice Chander Shekhar, who is demitting office on superannuation after a distinguished and fulfilling career.

Justice Chander Shekhar was born on 26<sup>th</sup> January, 1958 in District Kangra, Himachal Pradesh. He completed his schooling from Harcourt Buttler Senior Secondary School, New Delhi and did his graduation in Bachelors of Commerce from University of Delhi and thereafter he completed his Law Degree.

Justice Chander Shekhar enrolled as an advocate with the Bar council of Delhi in 1982. He practiced in Supreme Court of India, Delhi High Court and District Courts in different jurisdictions, specifically Civil, Criminal and Industrial side.

Justice Chander Shekhar was appointed as an Additional District Judge on 26<sup>th</sup> May, 2000 and served in various capacities; presided over Sessions Court, Civil Court, Judge NDPS, Rent Control Tribunal, Special Judge Prevention of Corruption Act and Central Bureau of Investigation.

Justice Chander Shekhar was appointed as Registrar (case flow management), Delhi High Court on 21<sup>st</sup> December 2010 and also served as Special Secretary (Law), Department of Law, Justice and Legislative Affairs, Government of NCT of Delhi on 1<sup>st</sup> November 2011.

Justice Chander Shekhar was appointed as District and Sessions Judge (North) on 1<sup>st</sup> March, 2013 and also served as a Registrar (Vigilance) of this Court from 17<sup>th</sup> March, 2014 to 7<sup>th</sup> November 2016.

Justice Chander Shekhar elevated as a permanent Judge of this Court on 8<sup>th</sup> November, 2016. He came to this Court with wide Judicial and Administrative experience.

Apart from holding regular Court and disposing of many important matters, Justice Chander Shekhar has also presided over various Tribunals.

Justice Chander Shekhar has written a book titled as Information and Communication Technology (ICT) in Delhi Courts, which is a guide to the complete process of Computerization of Delhi District Courts and also formatted and designed District Court Manual in Hindi to make justice accessible to all. His keen interest and untiring efforts as Chairman, Computer Committee, Delhi District Courts resulted into computerization of District Courts.

Justice Chander Shekhar also worked as a Reporter (Part-time) with the Indian Law Reports, Delhi.

Justice Chander Shekhar is a trained Mediator. He was posted as full time Co-ordinator, Mediation Centre, Rohini Courts, where he was instrumental in planning and making the Mediation Centre, Rohini Courts fully functional in the year 2009 and imparted training to the Advocates and Judge Mediators.

For the growth of this Institution, Justice Chander Shekhar was always keen to take responsibilities beyond Judicial work. On the Administrative side, he has been a part of Committees in various capacities. He served as a member of the Building Maintenance and Construction Committee, the Right to Information Committee, the Library Committee and the Committee regarding Purchase, Judges Residence and Furnishing Committee, the Criteria Committee and the Working Conditions and Welfare Committee for Staff of High Court and District Courts, the Committee to Consider Matters Relating to Welfare of Judicial Officers and also the Committee for Inspection of Judicial Officers.

Throughout his distinguished career as a Judge, Justice Chander Shekhar has delivered numerous judgments on various jurisdictions which have immensely contributed towards the growth of procedural and substantive law.

Justice Chander Shekhar has also immensely contributed while sitting in the Division Benches, however, keeping in view the paucity of time, I am referring only a few, which deserve special mention.

In the case of **Institute of Home Economics v. Prem Pal**, Justice Chander Shekhar held that the Management was guilty of unfair labour practice, since they were getting a permanent work done by the workman for years together, by appointing him in the name of an ad hoc workman. He held that the action of the management of terminating the services

of the workman is illegal, oppressive and violative of Articles 14 and 16 of the Constitution of India.

In the case of **Allied ICD Services and Ors. v. Union of India and Ors.**, the question before the Court was, whether the cost recovery charges taken from the petitioners for posting of custom officers and work performed by them is in the nature of a 'fee' or 'tax'. Justice Chander Shekhar observed that the primary distinction between the two is the element of *quid pro quo*, that is to say, the authority levying the "fee" must render some service for the fee levied, however remote the service may be, and the same should not be a part of common burden merged into public revenue. He held that the cost of recovery charges in this case was in the nature of a 'fee', since the cost is intended to cover the expenses of the Government in deputing the Customs personnel for rendering their services at the Ports.

In the case of **Muktaben v. State of NCT of Delhi and Others**, the Court dealt with the interpretation of Section 102 of the Code of Criminal Procedure(Cr.P.C.), 1973. Justice Chander Shekhar observed that the basic requirements for the application of the Section 102 of the Cr.P.C. are that the properties sought to be seized or frozen, must be the stolen properties or they should have been found to have some nexus with the alleged offence, which is under investigation. He set aside the judgment of the Revision Court and observed that reporting of the freezing of bank accounts in the instant case was "mandatory" and has to be 'forthwith' reported to the

concerned Magistrate, and failure to do so will vitiate the freezing of bank account.

In the case of ***Pradeep Kumar v. State of NCT of Delhi and Others***, while interpreting Section 15 of the Juvenile Justice (care And Protection Of Children) Act, 2015, Justice Chander Shekhar observed that the Juvenile Justice Board may seek the opinion of an expert regarding the mental and physical capacity of a Child in Conflict with Law (CCL) to commit an offence. But the circumstances, in which the alleged offence was committed has to be considered by the Juvenile Justice Board independently and the Juvenile Justice Board has to apply a judicial mind.

Justice Chander Shekhar has rendered all possible assistance that the Institution expects from a Judge in discharging his Constitutional obligations and he shall be remembered for his positive support in all our Court related activities as well as for the discipline he maintained on and off the Bench.

During my tenure in this High Court, I have found Justice Chander Shekhar to be a sincere, hard-working and a humane person. As a Judge of this Court, his contribution to the cause of justice will always be remembered and cherished.

Justice Chander Shekhar is parting company with us but only as a sitting Judge of this Court. He shall be in our hearts as a member of our family. I am sure that even after retirement, he would always be eager to lend his helping hand, whenever this institution requires his services.

I extend my best wishes and congratulate his beloved family members, wife Mrs. Suchitra Sharma, Sons Mr. Akshay Chandra and Mr. Aditya Chandra, daughters-in-law Mrs. Chitrangda and Mrs. Niti Chandra and grandson Ayan Chandra.

I, on my behalf and on behalf of all my colleagues wish him good luck in his future pursuits.

Jai Hind!