



कर्मचारी राज्य बीमा निगम
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES' STATE INSURANCE CORPORATION
(Ministry of Labour & Employment, Govt. of India)



उप क्षेत्रीय कार्यालय / SUB REGIONAL OFFICE

बी-64, सेक्टर-57, नोएडा उ.प्र. 201301

B-64, Sector-57, Noida, U.P. 201301

Phone: 0120-4555101, Email: sro-noida@esic.nic.in

Website: www.esic.nic.in / www.esic.in

NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF ADVOCATES

Employees' State Insurance Corporation (ESIC), a statutory body under Ministry of Labour & Employment, Government of India, proposes to engage Panel Counsel(s) to represent the Employees' State Insurance Corporation before District and Subordinate Courts and Other Tribunals, E.I. Court, Magistrate Court, District Consumer Forum under jurisdiction of SRO Noida including EI Court Ghaziabad, Meerut, Gautam Budh Nagar, Bulandshahr, Saharanpur, Muzaffarnagar and Hapur.

The practicing advocates who are registered with Bar Council of India/State Bar Council are eligible for empanelment. The qualification, experience, schedule of fees, other terms and conditions and the application format in which the application has to be made, have been prescribed.

Eligible practicing advocates, who satisfy the eligibility criteria and accept the terms and condition as at ANNEXURE - 'A', should download application (ANNEXURE - 'B') in the format prescribed in our website **www.esic.nic.in**. Duly filled in application, along with all supporting documents in sealed envelope should reach to THE DEPUTY DIRECTOR (I/c) Sub Regional Office, ESI Corporation, B-64, Sector-57, Noida, Uttar Pradesh-201301, latest by **19.02.2024, 04.00 PM**.

DEPUTY DIRECTOR (I/c)
SRO NOIDA

ANNEXURE - A
ESI CORPORATION, SUB REGIONAL OFFICE, NOIDA

TERMS AND CONDITION FOR PANEL ADVOCATES

1. Terms for Empanelment of Counsels:

The Counsels will be empanelled for conducting the cases in which the Employees' State Insurance Corporation is a party. The cases will be assigned to

them on 'one case' basis as may be entrusted to them, and the Counsel would be required to conduct the cases to its finality.

The Counsels would be on the panel ordinarily for a period of three years and continue with the cases allotted to them even beyond 3 years unless terminated. They may be removed from the panel earlier than the time stipulated on immediate notice on either side without assigning any (s) thereof.

2. Allocation of cases to the Counsels:

The cases will be allocated to the Counsels on the panel on a case-to-case basis or region / area basis by the Sub Regional Office, ESI Corporation, Noida or by any other authorized office to do so.

3. Duties of the Counsels on the Panel:

- i. The counsel shall appear in the E.I. Court, C.J.M. Court, Session Court, Consumer forum and other legal forums in the cases allotted to him/her.
- ii. Advise the ESI Corporation on matters incidental to such litigation and when the case attended by him is decided against the ESI Corporation / Government and / or its officers including written Legal opinion regarding the advisability of filing an appeal from such a decision shall be given.

iii) Render all assistance to Sub Regional office, Noida through its Legal Branch, Social Security Officer (Legal) and Branch Office Managers, if required to do so.

- iv. Keep this office informed of the developments of the case from time to time, particularly with regard to drafting, filing of papers, dates of hearing of the cases, supply of copies of judgements etc.
- v. Perform such other duties of legal nature, which may be assigned to him by this office from time to time.

4. Right to Private Practice and Restrictions:

- i. A Counsel empanelled with the ESI Corporation will have the right to private practice which should not, however, interfere with the efficient discharge of his duties as a Counsel for the ESI Corporation.
- ii. A counsel shall not advise any party or accept any case or brief against the ESI Corporation which is likely to affect or lead to litigation against the ESI Corporation.
- iii. If the counsel happens to be a Partner of a firm of Lawyers or Solicitors, it will be incumbent on the firm not to take up any case against the ESI Corporation in any courts or any case arising in other courts out of these cases (e.g) appeals / revisions in the High Court or Supreme Court or other courts or tribunals.

5. Procedure for Empanelment

- i. The applicant advocate must apply on the format prescribed by the ESIC only. No other format will be entertained.

- ii. Any application received after the last date prescribed in the advertisement shall not be entertained.
- iii. Depending upon the requirement and number of applications received, ESIC reserves the right to shortlist the candidates to be called for Interview/ Interaction for selection / empanelment.
- iv. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for Interview / Interaction and to be selected.
- v. The decision of the competent authority regarding short listing and selection of the candidates shall be final.
- vi. Canvassing in any form shall be treated as disqualification. The candidature of such applicants shall be rejected forthwith.
- vii. Shortlisted applicant advocates will be informed individually through Registered Post and/or email regarding the date, time and venue of interview.
- viii. The applicant advocate shall bring all original documents at the time of Interview.
- ix. Letter to applicant advocates confirming their empanelment will be issued by ESIC separately.

6. General Conditions:

- i. Applicant Advocates will not absent himself without prior approval of Competent Authority from appearance in Court for any reason whatsoever.
- ii. Appeals, Revision or Petition arising from one common judgement or order will be together considered as one case if they are heard together.
- iii. The Social Security Officer (Legal) / Manager of the concerned Branch office / any other officer deputed by the Sub Regional Office will liaise between the Counsel and the ESI Corporation in all the matters connected with the cases entrusted to the Counsels.
- iv. Counsel / Advocate will have to represent the ESI Corporation in the EI Court, Magistrate Court, Labour Court, State Consumer Forum, etc., and should be well versed with the ESI Act as well as other related Acts and relevant Codes.
- v. Counsel / Advocate should receive the notices meant for the ESIC from various Courts and able to handle the cases and appear in such matters in the Courts and ensure that no Ex-party order is passed against the ESIC.
- vi. Counsel / Advocate should be able to handle the cases, which are assigned to them and appear in such assigned cases in the Courts and should prepare Written Statement, Appeal Memo, Application etc. and also provide legal opinion to the ESI Corporation. Advocate will look after and advise the ESI Corporation on legal matters including Filing / Defending Suits, Petitions and Appeals that may be entrusted to them.
- vii. Counsel / Advocates should have minimum of 05 years regular practice and standing in the Bar and handled Labour Law related cases. However, ESIC reserves the right to relax the above condition in deserving cases.
- viii. Advocate should not take up any case against ESIC during the period of empanelment and shall not do things prejudicial to the interest of the Corporation.
- ix. Advocate empanelled will have to collect and produce the Certified Copy of Judgment and other related orders pertaining to the cases dealt by them within the stipulated time along with legal opinion so as to enable ESIC to proceed further.
- x. Advocate entrusted with the cases, should immediately ensure that necessary action is taken for receipts of fine and such other cost of litigation as ordered by the Court and promptly credited to the ESI Corporation.
- xi. Applicant Advocates have to adhere to the instructions / guidelines issued by the ESI Corporation from time to time.
- xii. A report on progress of Suits / Cases entrusted to the Advocates would be sent to the Legal Branch, Sub Regional Office, Noida every month under a copy to Head of the Sub Region.

- xiii. Applicant Advocates will not be entitled to any travelling expenses or any miscellaneous allowance for visiting branches or Courts.
- xiv. Applicant Advocates should not use ESI Corporation name or Symbol in Letter Heads, Sign Boards and Name Plates etc.
- xv. It may be noted that Advocate empanelment does not amount to an appointment or right for an appointment. Corporation is free to engage any advocate of its choice, and no right exists with the advocate to claim any particular case.
- xvi. When any case attended by the advocate is decided against the ESI Corporation, the Advocate concerned must give considered opinion regarding the reasons for such adverse order and the advisability of filing an appeal from such a decision not later than 5 working days of the order. However, reasons for success may also be forwarded along with final order.
- xvii. The Advocate's opinion would be an input for our decision making. Therefore, we would like to state that in the case, Advocate's opinion turns out to be untrue and factually incorrect, causing loss to ESI Corporation, we may seek such clarification as may be required to investigate the matter and fix the responsibility. In the event if it is established that wherever gross negligence on Advocate's part causing pecuniary damage / loss to the ESI Corporation, we may recommend Advocate's name for inclusion in the caution list for circulation among sister concerns i.e. EPFO etc., including Bar Association.
- xviii. Please note that above empanelment with ESI Corporation is subject to further extension / renewal depending upon the Advocate's performance and service to the satisfaction of the ESI Corporation.
- xix. Applicant Advocates' spouse or juniors or partners in their firm should not represent the party in cases where the advocate is representing ESI Corporation.
- xx. The Advocates shall accept the terms and condition of the empanelment as determined by the ESIC from time to time.

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the final authority to assign the cases in various Courts in Noida Region to the empanelled Advocates depending upon therequirement/natureofthe cases.

- xxii. The fee to counsel will be paid by the Sub Regional Office, ESI Corporation, Noida only on Receipt of Certified copy of Judgment, opinion and collection of Fine / Fee from Court towards ESI Corporation, if any and on presentation of a claim with a Stamped Receipt.
- xxiii. Charges for cases withdrawn/uncontested case will be paid as deemed appropriate by the ESI Corporation.

7) Fee Structure to counsels of E.I. Court, Magistrate Courts etc. as per the Hqrs. letter No.T-11/12/2/2016-Legal dated 02/01/2017:

Name of the Court	Consolidated Fees (in Rs.)
State Consumer Forum District and subordinate Court and other Tribunals.	12,000/-
E.I. Court, Magistrate Court, District Consumer Forum, & Other Courts (including District Court, Munsif Court, Sub Court etc.)	5,000/-

Provided that,

1. 50% of the fee, if requested so by the advocate, shall be paid on the completion of pleadings and balance 50% shall be paid after finalization of the case and on submission of certified copy of the judgement along with his/her opinion in the case of the judgement, if it goes against the corporation either in full or part.
2. Miscellaneous Expenditure Including Court Fees shall be paid on actual basis according to the policy of the legal fees on the submission of bills along with the statement and/or vouchers.
3. No TA/DA shall be admissible.
4. Modification in fee structure shall be applicable as per discretion of ESIC from time to time.
5. Where the case is disposed off or dismissed at the admission stage and the Corporation has no notice of the case and no instructions are given to the counsel, the counsel may be paid 1/3rd fees.
6. In the matter to similar types of cases, only single case fee will be payable whereas actual expenses will be reimbursed separately

8) Disablements: disablement on the part of the Advocate shall mean and include any of the following:

- (i). Giving false information in the application for empanelment.
- (ii). Handing over the case to another advocate, except to a duly appointed Junior Advocate.
- (iii). Failing to attend the hearing of the case without sufficient reason and prior information.
- (iv). Threatening, intimidating or abusing any of the Corporation's employees, officers, or representatives.
- (v). Committing an act tantamounting to contempt of Court or professional misconduct.
- (vi). Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council.
- (vii). Passing on information relating to Corporation's case on the opposite parties or their advocates which is likely to cause damage to the Corporation's interests.
- (viii). Giving false or misleading information to the Corporation relating to the proceedings of the case.
- (ix). Frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason; and
- (x). Empanelment shall be liable to be cancelled due to occurring of any of the above disablements on the part of the Advocate, with a notice of 15 days.

9) Removal of Difficulty.

In the matter of implementation of these guidelines, if any, doubt or difficulty arises or doubt regarding the interpretation of any of the clause of this Notice, the same shall be placed before the Corporation and the

3.

PERSONAL DETAILS (In Block Letters)		
1	Name in Full	
2	Date of Birth	
3	Nationality	
4	Address for correspondence with PIN and Phone No.	
5	Permanent Address with PIN and Phone No.	
6	Address of office/chamber, if any, with PIN and Phone	

9	Are you related to any ESIC employees? If so, please give details (viz. Name, designation, place of work & relationship with the applicant)	
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10. Details of Educational qualification (Commencing with the Graduation or equivalent examination)

Examinations Passed	Name of the Board/University	Class or division	% of Marks	Subjects	Year of Passing
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LLB/Law Graduate Degree					
Post Graduation					
Other Professional Qualifications					

11. Whether the applicant is currently on the Panel of any other Government Department/PSU/Statutory Body/Autonomous Body etc. and if yes, the details below (Self certified copy of the Office Order/letter of empanelment may be attached)

Name of the Department/PSU/Statutory Body/Autonomous Body	From	To

12. Whether the applicant has worked as Legal Researcher (LR) attached to any Court/judge? If yes, the details and the supporting documents

Name of Court/Judge	Period of Research	Supporting documents

13. If one or more advocates are associated as juniors of the applicant, their details be provided below

Sl. No.	Name of the advocates	Enrolment No. with date

14. Infrastructural facilities available with the applicant (Please If available) be provided below:

Office space	Office clerk	Steno/typist	Support staff

15. No. of Cases relating to ESIC handled earlier

Sl. No.	Title of case (Documentary proof must be attached)

16. Whether the applicant has been engaged (through Vakalatnama) as counsel in any landmark case? If yes, the particulars of the case with copy of the judgement wherein his/her name is recorded as advocate for one of the parties (Copy of order/Judgement be attached as proof)

Name of the Court	Case title	Nature of Judgement

17. Whether Income Tax return is being filed for last five years? Yes/No (If yes, please attach copies of ITRs)

18. Details of Bank Account/PAN Number/Aadhar number be provided below

Bank Account Details (Bank Account Number, Address of the branch and IFSC code)	PAN number	Aadhar Number

19. Whether any proceeding has ever been commenced or is continuing before the disciplinary Committee of the Bar Council for alleged professional misconduct:

Sl. No.	Details of allegations and proceedings	Finding made by the disciplinary Committee

20. Whether any criminal complaint has ever been filed or FIR registered or any criminal proceeding has ever commenced against the applicant advocate:

Sl. No.	Details of allegations and proceedings	Finding made by the Court

21. Any additional professional qualification(s), which will further the candidature, including membership of professional society, awards and honors etc. may be listed in the box below, (Documentary proofs may be attached)

UNDERTAKING

1. I hereby confirm and declare that the information furnished in the application and in the attached certificate is true/correct and completes to the best of my knowledge and belief. I have not concealed any relevant information. I am fully aware that if any of the information furnished by me is found to be false/incorrect, my candidature for the empanelment will be treated as cancelled and matter will be referred to the appropriate authority.
2. I also undertake to maintain absolute secrecy about the cases of the ESIC as required under the Act, Rules and Regulations there under.
3. I also undertake to return all case files and records to the ESIC as and when required by ESIC.
4. I agree with the fee schedule notified by ESIC.

Place:	Signature of the Advocate	:
Date:	Enrolment number	:
	Mobile number	: