



କର୍ମଚାରୀ ରାଜ୍ୟ ବୀମା କର୍ପରାସନ
(ଶ୍ରମ ଏବଂ ଚାକିରୀ ମନ୍ତ୍ରାଳୟ, ଭାରତ ସରକାର)
कर्मचारी राज्य बीमा निगम
(श्रम और रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES STATE INSURANCE CORPORATION
(Ministry of Labour & Employment, Govt. of India)



सत्यमेव जयते

ଉପ ରେଜିନାଲ କାର୍ଯ୍ୟାଳୟ | उप क्षेत्रीय कार्यालय | SUB REGIONAL OFFICE
ଇଣ୍ଡଷ୍ଟ୍ରିଆଲ୍ ଏସ୍ଟେଟ୍ ବମ୍ବେ ଚୌକ, ଭାରତସୁଗୁଡ଼ା, 768203
इंडस्ट्रियल एस्टेट बॉम्बे चौक, झारसुगुडा, 768203
Industrial Estate Bombay Chowk, Jharsuguda, 768203
Email: sro-jharsuguda@esic.nic.in; 06645-291369
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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 at **Jharsuguda, Sundargarh, Rourkela, Sambalpur, Jeypore, Deogarh, Bargarh, Bolangir, Sonepur and Kalahandi**.

The practicing advocates who are registered with Bar Council of India/State/District 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 & C') in the format prescribed in our website www.esic.gov.in (or) www.srojarsuguda.esic.gov.in. Duly filled in application, along with all supporting documents should reach THE DEPUTY DIRECTOR (I/c) ,ESI Corporation, Sub-Regional Office, Industrial Estate, Bombay Chowk, Jharsuguda- 768203(Odisha) on or before **15/03/2024**. The envelope should be superscripted with **"Application for empanelment of Advocates for SRO-Jharsuguda"**.

**Assistant Director(Legal)
SRO JHARSUGUDA**

ANNEXURE-A

E.S.I. CORPORATION, SUB-REGIONAL OFFICE, JHARSUGUDA ,TERMS AND CONDITION FOR PANEL ADVOCATES.

A. Terms for Empanelment of Counsels:

1. 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 a case basis as may be entrusted to them and the Counsel would be required to conduct the cases to its finality.
2. 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 before 3 years. They may be removed from the panel earlier than the time stipulated on immediate notice on either side without assigning any reason thereof.

Eligibility:

- a. Minimum Qualification : LLB from a recognized University.
- b. Minimum 5 years' experience of standing the bar.
- c. Experience in handling Labour Law Cases.

B. Allocation of cases to the Counsels:

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

C. Duties of the Counsels on the Panel:

1. The counsel shall appear in the Labour/EICourt, Magistrate Court and District Consumer Forum at location for which he/she is designated.
2. Advise the ESI Corporation on matters incidental to such litigation and when the case attended by him/her is decided against the ESI Corporation/Government and/or its officers, written Legal opinion regarding the advisability of filing an appeal from such a decision shall be given.
3. Render all assistance to Sub-Regional office, Jharusuguda through its Legal Branch, Social Security Officer (Legal) and Branch Office Managers, if required to do so.
4. Keep this office informed 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.
5. Perform such other duties of legal nature, which may be assigned to him by this office from time to time.

D. Right to private Practice and Restrictions:

1. 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/her duties as a Counsel for the ESI Corporation.

2. A counsel shall not advise any party or accept any case or brief against the ESI Corporation in which he/she has appeared / or likely to appear which is likely to affect or lead to litigation against the ESI Corporation.
3. If the counsel happens to be Partner of a firm of Lawyers of 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 case(e.g)appeals/revisions in the High Court or Supreme Court or other courts or tribunals.

E. Procedure for Empanelment

1. The applicant advocate must apply in such form/format as may be prescribed by ESIC. No other format will be entertained.
2. Any application received after the last date prescribed in the advertisement shall not be entertained.
3. Depending upon the requirement and number of applications received, ESIC reserves the right to shortlist the candidates to be called for Interaction and to be empanelled.
4. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for Interaction and to be selected.
5. The decision of the competent authority regarding short listing and selection of the candidates shall be final.
6. Canvassing in any form shall be treated as disqualification. The candidature of such applicants shall be rejected forthwith.
7. The date-time, venue and mode of interaction shall normally be communicated by E-mail or letter. In exceptional circumstances SMS/Whatsapp etc. may be used as additional form of communication.
8. The applicant advocate may be required to bring original documents at the time of interaction.
9. The applicant advocates selected for empanelment may be issued electronic or written communication by ESIC.

F. Selection Committee

There shall be a committee for selection of empanelment -

- a. for short listing of new applicants based on the documents, profile and performance of the Advocates.
- b. for interacting in interviews and selecting advocates from the short list.

G. Documents to be submitted by the Advocate

The Advocates will be required to furnish following documents along with the application form:

1. Copy of SSLC and HSC Mark sheets
2. Copy of Law Degree and other qualifications;
3. Copy of Valid Registration Certificate Issued by the Bar Council;
4. Copy of Identity Card issued by the Bar Association;
5. Copy of Adhaar Card and PAN Card;
6. Copies of judgments where the Advocate has appeared as pleader;
7. Copies of Empanelment Letter issued by other Authorities/entities in favour of the Advocate;
8. Résumé with a brief profile of experience, background ,education, list of clients and nature of cases dealt with;
9. Two recent coloured passport size photographs;

10. Copy of Income Tax Returns for last three financial years.
11. Proof of experience of handling labour cases.

H. General Conditions:

1. Applicant Advocates will not absent without prior approval of Competent Authority from appearance in Court for any reason whatsoever.
2. Appeals, Revision or Petition arising from one common judgement or order will be together considered as one case if they are heard together.
3. The Social Security Officer(Legal/Manager of the concerned Branch office/ any other officer deputed by the Regional Office) will liaise between the Counsel and the ESI Corporation in all the matters connected with the cases entrusted to the Counsels.
4. 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.
5. 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-parte order is passed against the ESIC.
6. Counsel/Advocate should able to handle the cases, which are assigned to them and appear in such assigned cases in the Courts and should also prepare Written Statement, Appeal Memo, Application etc. and also provides legal opinion to the ESI Corporation. Advocate will look after and advice the ESI Corporation on legal matters including Filing/Defending Suits, Petitions and Appeals that may be entrusted to them.
7. Counsel/Advocates should have minimum of 05years regular practice and standing in the Bar and handled Labour Law related cases.
8. Advocate should not take up any case against ESIC during the period of empanelment and shall not do things prejudicial to the Corporation interest.
9. 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.
10. 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 is promptly credited to the ESI Corporation.
11. Applicant Advocates have to adhere to the instructions/guidelines issued by the ESI Corporation from time to time.
12. A report on progress of Suits/Cases entrusted to the Advocates would be sent to the Legal Branch, Sub Regional Office, Jharsuguda every month under a copy to Deputy Director In-Charge Office.
13. Applicant Advocates will not be entitled to any travelling expenses or any miscellaneous allowance for visiting branches or Courts.
14. Applicant Advocates should not use ESI Corporation name or Symbol in Letter Heads, Sign Boards and Name Plate etc.
15. It may be noted that Advocate empanelment does not amount to an appointment or right for an appointment to be made by the ESI Corporation. Corporation is free to engage any advocate of its choice, and no right exists to claim that he/she should alone be entrusted with legal matter of particular case, pertains to the Corporation.
16. 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.
17. 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 it is established that where gross negligence on your part causing pecuniary damage/loss to the ESI Corporation, we may recommend your name for including in the caution list for circulation among sister concerns i.e. EPFO etc., including Bar Association.

18. 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.
19. Applicant Advocates or their spouse or juniors or partners in their firm should not represent the party in cases against ESI Corporation under any circumstances.
20. The Advocates shall accept the terms and condition of the empanelment as determined by the ESIC from time to time.
21. The Deputy Director In-charge, Sub Regional Office, Jharsuguda will be the final authority to assign the cases in various Courts to the empaneled advocates depending upon the requirement/nature of the cases.
22. The fee to counsel will be paid by the Sub Regional Office, ESI Corporation, Jharsuguda 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.
23. Charges for cases withdrawn will be paid as deemed appropriate by the ESI Corporation.
24. Misc. Expenditure including Court Fees shall be paid on actual basis on the submission of bills along with the statements and /or Vouchers.
25. Modification in fee structure shall be applicable as per discretion of the ESIC from time to time.

I. Fee Structure

Advocate will be entitled to reasonable fees as fixed by ESIC Headquarters Office, Delhi and as amended time to time. At present the fee payable to the panel advocates shall be as prescribed by ESIC vide OM **No. T-11/12/2/2016- Legal** dated 02.01.2017.

Name of the Court	Consolidated Fees (in Rs.)
High Courts, National Consumer Forum	Rs.25,000/-
CAT	Rs.20000/-
State Consumer Forum, District and Subordinate Courts and other Tribunals	Rs.12,000/-
E.I. Court, Magistrate Court, District Consumer Forum, & Other Courts(including District Court, Munisif Court, Sub Court etc.)	Rs.5,000/-
<p>Note: 1. 50% of the fee shall be paid on the completion of pleading and balance 50% shall be paid after arguments, finalization of the case and on submission of certified copy of the judgement along with his/ her opinion in case the judgment goes against the corporation either in full or part.</p> <p>2. Misc. Expenditure including Court Fees shall be paid on actual basis on the submission of bills along with the statement and/ or vouchers.</p>	

No retainer fee shall be paid to any Panel Advocate merely because such advocate has been empaneled. Besides that :-

- a. Rs. 1050/- will be paid for Written Opinion and Written Advice Including advice on evidence on misc. matter(not related with case matters)
- b. Rs. 600/- will be paid for Written Opinion and Written Advice excluding advice on evidence on misc. matters(not related with case matters)
- c. No separate fees will be paid for any kind of Restoration Application.

J. Cancellation of empanelment

Empanelment of an advocate shall be liable to be cancelled due to occurrence of any of the below mentioned reasons:

1. Giving false information in the application for empanelment;
2. Failing to attend the hearing of the case without any sufficient reason and/or prior information;
3. Not acting as per Not ESIC's instructions or going against specific instructions;
4. Threatening, intimidating or abusing any of the ESIC's Employees, Officers, or representatives;
5. Passing on information relating to ESIC's case on to the opposite parties or their advocates or any third party which adversely affects the ESIC's interests;
6. Giving false or misleading information to ESIC relating to the proceedings of the case;
7. Seeking frequent adjournments or not objecting the adjournment moved by other party without sufficient reason;
8. Frequent absence from the court proceedings even if "pass over" or "proxy" is obtained by an advocate.
9. Poor performance of the panel Advocate as assessed by ESIC Sub Regional Office, Jharsuguda.

Further, ESIC reserves the right to terminate the empanelment of an Advocate with one month's notice in writing without assigning any reason. The Advocate may also apply for termination of empanelment by serving one month's notice.

K. Removal of difficulty

In the matter of implementation of these guidelines, if any doubt or difficulty arises or doubt regarding the interpretation of any clause of these guidelines arises, the decision of ESIC shall be final.

L. Relaxation of any Terms and Conditions

The Joint Director/Deputy Director (In-charge), Sub Regional Office, ESIC, Jharsuguda shall have the power to relax any terms and conditions prescribed.

ANNEXURE-‘B’

APPLICATION NO. _____ (To be filled by ESIC)

APPLICATION FORM FOR EMPANELMENT IN ESIC
(TO BE FILLED IN BY APPLICANT ADVOCATES)

To

The Deputy Director (I/c)
E.S.I Corporation,
Sub-Regional Office,
Industrial Estate, Bombay Chowk,
Jharsuguda-768203 (Odisha)

PASSPORT SIZE
PHOTO

Name(In Block letter)	
Father's Name	
Court for which applied (Specify Court wise)	
<p style="text-align: center;"><u>CHECKLIST</u></p> <p>List of documents attached(please mark tick)</p> <p>Copy of all Certificates & mark - sheets (Graduation onwards)</p> <p>Experience Certificates</p> <p>Duly flied Annexure B</p> <p>Others (Please specify): 1.</p> <p style="padding-left: 300px;">2.</p> <p style="padding-left: 300px;">3.</p> <p style="padding-left: 300px;">4.</p>	

PERSONALDETAILS (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	
7	Mobile Number(s)	
8	Email ID	
9	Are you related to any ESIC employees? If so, please give details (viz. Name, designation, place of work & relationship with the applicant)	

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
Graduation					
LLB/Law Graduate Degree					
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 provided below(if available):

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. 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

18. Whether Income Tax return is being filed for last three years? **Yes/No** (If yes, please attach copies of ITRs)
19. Whether any proceeding has ever been commenced or is continuing before the disciplinary Committee of the Bar Council of 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 honor setc. may be listed in the box below, (Documentary proofs may be attached)

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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.

Date:

Signature of Advocate:

Place:

Enrolment Number :

ANNEXURE-‘C’**ADDITIONAL INFORMATION SHEET**

(To be filled by existing Panel Advocates, applying for fresh empanelment)

1. Name of the Panel Advocate :
2. Empaneled for Courts :
3. Duration in the Panel :
4. Total No. of cases allotted :

Sl. No.	Case Title	In favor	Against	Remanded Back
1				
2				
3				

5. No. of cases decided :
6. No. of cases pending :
7. Details of oldest pending cases with the Advocate :
8. Special Achievements(if any) :
9. Remarks of applicant advocate, if any :

(Signature and Name of applicant)

Place:

Date: