



उप क्षेत्रीय कार्यालय
कर्मचारी राज्य बीमा निगम, जोधपुर

(श्रम एवं रोज़गार मंत्रालय, भारत सरकार)

1/3 एवं 1/4, पाल लिंक रोड, जोधपुर (राजस्थान) 342008

फ़ोन 0291-2750004/3 टेल फ्री 1800-11-2526

ईमेल sro-jodhpur@esic.nic.in

No. 27-T/11/15/2018-Legal

Date : 07.09.2019

**Notice Inviting Application for Empanelment of Advocates in
Employees' State Insurance Corporation, Sub-Regional Office, Jodhpur**

The Regional Director(In-charge), Employees' State Insurance Corporation, Sub-Regional Office, Jodhpur invites application from the competent practicing Advocates for engagement as panel Counsels to represent ESI Corporation in Hon'ble Rajasthan High Court, Jodhpur. Eligible practicing advocate may submit application (as prescribed) along-with all supporting documents in a sealed envelope to Sub-Regional Office, Employees' State Insurance Corporation, 1/3 & 1/4, Pal Link Road, Jodhpur-342008 latest by 16.09.2019 up to 1800 hours. The envelope should be superscripted with 'Application for Empanelment of Advocate.'

Terms and Conditions of empanelment and assignment of cases are as under :-

Eligibility :-

Advocates should have handled Labour Law related cases and should be well versed with the ESI Act as well as other related Acts and Codes. They should not be handling any case at present against the Corporation.

Tenure / term of Empanelment :-

The initial empanelment will be for 2 years or until further orders whichever is earlier. Performance of empanelled advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the advocate, the empanelment may be renewed for a period of another 2 years by the Corporation. The corporation reserves the right to terminate the empanelment of any advocate at any time.

Duties of the Counsels on the Panel :-

1. The counsel shall appear in the related court in the cases allotted to him. The counsel shall attend the court in case of emergency or urgent nature, which may be communicated over phone.
2. Advice 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, 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, ESIC, Jodhpur through its Office In-charge, Branch Officer (Legal), Social Security Officer(Legal), other officials of Legal Branch and Branch Managers if required to do so.
4. Keep this office informed with the developments of the case from time to time, particularly with regards 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.

Schedule of Fee :-

Fee Structure has been decided by ESIC Headquarters Office, New Delhi and would be modified time to time as per norms. Presently the fee structure is :-

S. No.	Court	Fees
1.	High Court	25000/-
2.	CAT	20000/-

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 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.

General Conditions :-

1. Inclusion of name in the Corporation panel shall not constitute an appointment or a right for an appointment to be made by the Corporation and Corporation reserves its rights to terminate such engagement at any time. Further, allocation of the cases shall be entirely at the discretion of Corporation depending upon the requirement / nature of case i.e. The corporation reserves its right to employ any advocate of its choice and no right exists for an empanelled advocate to claim that he alone should be entrusted with legal work of corporation.
2. The advocates empanelled under these guidelines shall not be employees of the Corporation and, therefore, shall not be eligible for any benefits available to the employees.
3. The Corporation shall review the performance of the panel advocate periodically.
4. If panel advocate has committed professional misconduct or has indulged in any act which is against professional ethics or has facilitated fraud / perpetration of fraud, Corporation may take steps to lodge complaint with the Bar Council concerned for appropriate action against such advocate.
5. Every empanelled advocate has to appear in the respective courts or its bench in case(s) on the scheduled date of hearing of the case(s), as fixed by the court to defend the case(s) on behalf of the Corporation. He/she will not be absent without prior approval of Competent Authority from appearance in court for any reason whatsoever.
6. Empanelled advocate will keep this office informed of the important development in the case from time to time particularly with regard to drafting, filing of papers, dates of hearing of the case supplying copies of judgement etc.
7. When any case attended by the advocate is decided against the 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.

8. Empanelled advocate or their spouse or juniors or partners in their firm shall not appear / advice against the ESI Corporation and should not take up any case against Corporation during the period of empanelment and shall not do things pre judicial to the Corporation interest.
9. Empanelled advocate has to give her / his opinion on the given judgement in every case and no charges / fee will be payable for such opinion and also this opinion has to be forwarded to this office along with the given judgement.
10. Empanelled advocate should not use ESI Corporation name or Symbol in Letter Heads, Sign Boards and name Plate etc.
11. The advocates shall accept the terms and conditions of the empanelment as determined by the ESIC from time to time.
12. The fee to counsel will be paid by the Sub Regional Office, Jodhpur only on receipt of Certified copy of Judgement, opinion and collection of Fine/fee from court towards ESI Corporation, if any, and on presentation of a claim along with a stamped receipt.
13. Empanelled advocate shall maintain absolute secrecy and confidentiality about the cases of the Corporation.
14. The advocate who are already on the existing panel of this office shall cease to be on the panel after the new panel is finalized against this notice. However, they are required to continue with the pending cases, as already entrusted to them, till the finalization. All such existing advocates need to apply afresh for fresh empanelment.
15. The empanelled advocate should attend the Sub-Regional Office, ESIC, Jodhpur on regular basis for discussion and necessary opinion as and when required and directed. Refusal to attend this office when specifically directed, may entail removal of such advocate without assigning any reason thereof.
16. Empanelled advocate should update about the progress of the cases on regular basis to the concerned officers. Further, Advocate should also submit a monthly report of cases dealt by him.
17. Empanelled advocate shall be given user ID to access LIMBS portal which is governed by Ministry of Law and Justice, Government of India for digital monitoring of court cases. Advocates should raise their bills through LIMBS portal.

Right to Private Practice and Restrictions :-

The empanelled advocate shall have the right to private practice which should not, however, interfere with or be in conflict with the efficient discharge of his/her duties as an empanelled advocate of the Corporation. The Advocate shall not advise any party or accept any case against the Corporation under any circumstances.

Disablements :-

disablement on the part of the advocate shall mean and include any of the following:-

1. Giving false information in the application for empanelment;
2. Handing over the case to another advocate, except to a duly appointed Junior Advocate;
3. Failing to attend the hearing of the case without satisfactory reason and prior information;
4. Threatening, intimidating or abusing any of the Corporation's employees, officers or representatives;
5. Committing an act tantamounting to contempt of the court or professional mis-conduct.
6. Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council;

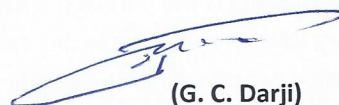
7. Passing on information relating to Corporation's case on the opposite parties or their advocates which is likely to cause damage to the Corporation's interests;
8. Giving false or misleading information to the Corporation relating to the proceedings of the case;
9. Frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason; and
10. Empanelment shall be liable to be cancelled due to occurring of any of the above disablements on the part of the Advocate.

Procedure for Empanelment :-

1. The applicant advocate must apply on the format prescribed by this office(Annexure). 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 candidate to be called for interview/interaction for selection/empanelment.
4. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for interview/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. Shortlisted applicant advocates will be informed with the date, time and venue of interview individually.
8. The applicant advocate shall bring original documents at the time of interview.
9. Letter to applicant advocates confirming their empanelment will be issued by ESIC separately.
10. The process of empanelment shall be complete when the Corporation receives an acceptance letter from the advocate.

Removal of Difficulty :-

Now-withstanding above, the offer and the terms and conditions are subject to change/modification at the discretion of the Corporation. 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 decision of the Corporation thereon shall be final. The Corporation in this contrast would mean Sub-Regional Office, ESI Corporation, Jodhpur.



(G. C. Darji)
Regional Director

APPLICATION FOR THE EMPANELMENT AS ADVOCATE

PART-A

1. Name :
2. Father's Name :
3. Date of Birth :
4. Gender :
5. Marital Status :
6. Religion :
7. Nationality :
8. Hobbies :
9. Language Known :
10. Mobile No. :
11. Office Landline No. :
12. Email :
13. PAN Card No. :
14. Bar Council No. :
15. Aadhar Card No. :
16. Bank A/c info. : A/c No.
IFSC
Bank
Branch

Passport size
Photograph

PART-B

1. Present Residential Address :
.....
2. Permanent Residential Address :
.....
3. Office Address :
.....

PART-C

Educational Qualification :

Name of Degree/Course	Month-Year	Name of Board / University	Percentage	Remarks(if any)

PART-D

1. 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)
2. Whether the applicant has worked as Legal Researcher(LR) attached to any Court/Judge ? if yes, the details and the supporting documents.

PART-E

1. Whether any proceeding has ever been commenced or is continuing before the disciplinary committee of the Bar council of alleged professional misconduct :

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

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

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

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 :

Date :

Signature of the Applicant