



कर्मचारी राज्य बीमा निगम

(श्रम एवं रोजगार मंत्रालय, भारत
सरकार)

**Employees' State Insurance
Corporation**
(Ministry of Labour &
Employment, Govt. of India)



उप क्षेत्रीय कार्यालय,

क०रा०बी०निगम चिकित्सालय परिसर,
द्वितीय तल, पांडेयपुर, वाराणसी-221002.

Sub Regional Office, ESIC
Hospital Campus, 2nd Floor,
Pandeypur, Varanasi-221002.
Phone.0542-3501950 email. [sro-
varanasi@esic.gov.in](mailto:sro-varanasi@esic.gov.in)
Website: www.esic.gov.in

No. 28/T-11/12/Vns./SRO/Legal/Adv. Panel/2008

Dated: 15.06.2024

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 Varanasi, Maunath Bhanjan, Gazipur, Chandauli, Mirzapur, Balia, Azamgarh and Jaunpur.

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 & conditions and the application format in which the application has to be made, have been prescribed. (Enclosed)

Eligible practicing advocates, who satisfy the eligibility criteria and accept the Terms & Conditions as the **ANNEXURE- 'A'**, should download application (**ANNEXURE- 'B' & 'C'**) in the format prescribed in our website www.esic.gov.in (or) www.srovaranasi.esic.gov.in duly filled in application, along with all supporting documents should reach **THE DEPUTY DIRECTOR (I/c)**, Pandeypur, Varanasi on or before **01.07.2024**. The envelope should be superscripted with "Application for empanelment of Advocates for SRO-Varanasi".

DEPUTY DIRECTOR (I/c)
SRO, VARANASI

TERMS AND CONDITIONS FOR PANEL ADVOCATES

1. Terms for empanelment of Counsels:

The counsels will be empaneled for conducting the cases in which the Employees' State Insurance Corporation/Ministry of Labour & Employment/Union of India is a party. The cases will be assigned to them on a case to case basis as may be entrusted to them and 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 beyond 3 years unless terminated before 3 years. They may be removed from the panel earlier than the time stipulated on immediate notice from 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.

2. Allocation of cases to the Counsels:

The cases will be allocated to the counsels on the panel on a case to case/roaster basis or region/area basis by the Sub Regional Office, ESI Corporation, Varanasi or by any other authorized office.

3. Duties of the Counsels on the Panel:

- i. The counsel shall appear before **Employees' Insurance Court, Chief Judicial Magistrate Court and District Consumer Forum at Varanasi, Maunath Bhanjan, Gazipur, Chandauli, Mirzapur, Balia, Azamgarh and Jaunpur** under the jurisdiction of SRO Varanasi area for which he/she is designated.
- ii. Advise ESI Corporation on matters incidental to such litigation and when a case attended by him/her is decided against the ESI Corporation/Government and /or its officers, a written Legal opinion regarding the advisability of filing an appeal against such a decision shall be given.
- iii. Render all assistance to Sub Regional office, Varanasi through its Legal Branch, Social Security Officer/s (Legal), Administration Branch and Branch Office Manager/s as and when required to do so.
- iv. Keep this office informed regarding 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:

- 1) A Counsel empaneled 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) Advocate should not take up any case against ESIC during the period of empanelment and shall not engage in matters pre-

judicial to the Corporations interest.

- 3) A counsel shall not advise any party or accept any case or brief against the ESI Corporation in which he has appeared/or likely to appear which is likely to affect or lead to litigation against the ESI Corporation.
- 4) If the counsel happens to be Partner of a firm of Lawyers of Solicitors, it will be incumbent on the firm not to take any case against the ESI Corporation in any courts or 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.

5. Procedure for Empanelment

1. The applicant advocate as well as existing empaneled advocates must apply on the format prescribed by the ESIC only. No other format will be accepted.
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 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 advocate will be informed individually by email or letter about the date, time made and venue of interview. No TA/DA will be admissible for attending such interaction.

8. The applicant advocate shall bring original documents at the time of Interview/ Interaction for selection/empanelment.
9. Letter to applicant advocates for confirmation of their empanelment will be issued by ESIC separately.

6. General conditions: -

1. Applicant Advocates will not be 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 Sub 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 judicial courts at Varanasi, Maunath Bhanjan, Gazipur, Chandauli, Mirzapur, Balia, Azamgarh and Jaunpur district viz; **Chief Judicial Magistrate Court, District Consumer Forum and Employees' Insurance Court** under the jurisdiction of SRO Varanasi 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 should be able to handle the cases and appear in such matter in the Courts and ensure that no Ex-Parte order is passed against the ESIC.
6. 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 also 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.

7. Counsel/Advocates should have minimum 5 years regular practice of standing in the Bar and should have handled Labour Law related cases.
8. Advocates empaneled will have to collect and produce the Certified Copy of Judgement and other related orders pertaining to the cases dealt by them within the stipulated time and submit it along with legal opinion so as to enable ESIC to proceed further.
9. Advocate entrusted with the cases, should immediately ensure that necessary action is taken for receipt of fine/fees and such other cost of litigation as ordered by the court and is promptly credited to the ESI Corporation.
10. Applicant Advocates have to accept and adhere to instructions/guidelines issued by ESI Corporation from time to time.
11. A report on progress of Suits/Cases entrusted to the Advocates, will be sent to the Legal Branch, Sub Regional Office, Varanasi every month under a copy to Deputy Director (I/c) Office.
12. Applicant Advocates will not be entitled to any travelling expenses or any miscellaneous allowance for visiting branches or Courts.
13. Applicant Advocates should not use ESI Corporation's name or Symbol on Letter Heads, Sign Boards and name Plate etc.
14. It may be noted that Advocate empanelment does not amount to an appointment or confer right for an appointment to be made by the ESI Corporation for legal work. Corporation is free to engage any advocate of its choice at any point of time during

the term of engagement and no right exists with/him to claim that he/she should alone be entrusted with legal matter for a particular case, pertains to the Corporation.

15. 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 from the order. However, reason for success may also be forwarded along with final order.
16. 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 Corporation, we may seek such clarifications as may be required to investigate the matter and fix the responsibility. In the event it is established that wherever gross negligence on the Advocate's part has caused pecuniary damage/loss to the Corporation, ESIC may recommend his/her name for including in the caution list for circulation among its sister concerns i.e EPFO etc., including Bar Association.
17. 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 Corporation.
18. Applicant Advocates or their spouse or juniors or partners in their firm should not represent the party in case against ESI Corporation under any circumstances.
19. The Advocates shall accept the terms and conditions of the empanelment as determined by the ESIC from time to time.
20. The Deputy Director (I/c), Sub Regional Office, Varanasi will be the final authority to assign the cases in various courts in

Varanasi, Chandauli, Maunath Bhanjan, Gazipur, Mirzapur, Balia, Jaunpur & Azamgarh district to the empaneled advocates depending upon the requirement/nature of the cases.

21. The fee to counsel will be paid by the Sub Regional Office, ESI Corporation, Varanasi 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.
22. Charges for cases withdrawn will be paid as deemed appropriate by the Corporation.
23. Miscellaneous Expenditure including Court Fees shall be paid on actual basis on the submission of bills along with the statements and / Vouchers.
24. Modification in Fee structure shall be applicable as per discretion of ESIC from time to time.
25. Valid Email ID should be fill up in the appropriate column.
26. In case of withdrawal of Advocate from case or Termination of Advocate due to non-performance, the concerned counsel is liable to handling back the case file to the Advocate assigned for this purpose.

7. Documents to be submitted by the Advocate

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

1. Copy of SLC and HSC Marksheets
2. Copy of Law Degree and other qualifications
3. Copy of Valid Registration Certificate and Identity Card issued by the Bar Council/Association

4. Copy of Aadhaar and PAN Card
5. Copies of Empanelment Letter issued by other Authorities/entities in favour of the Advocate
6. Resume with a brief profile of experience, background, education, list of clients and nature of cases dealt with
7. Proof of experience of handling labour cases
8. Two recent coloured passport size photographs
9. Copy of Income Tax Returns for last two financial years.

8. Fee Structure

Advocate will be entitled to the fees as fixed by the 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.)
E.I. Court, Magistrate Court, District Consumer Forum & Other Courts (including District Court, Munisif Court, Sub Court etc.)	5000/-
Note: Misc. Expenditure including Court Fees Shall be paid on actual basis on the submission of bills along with the statements and /or Vouchers.	

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

9. 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/permission
3. Not acting as per Not ESIC's instructions or going against specific instructions

4. Threatening, intimidating or misbehaving with 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, Varanasi.

Further, ESIC reserves the right to terminate the empanelment of a 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.

10. 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, SRO Varanasi shall be final.

11. Relaxation of any Terms and Conditions

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

***(Application format for new advocate applicants as well existing empaneled advocates is attached herewith in Annexure B. However, for existing empaneled advocates, additional information sheet as Annexure C is also attached for perusal & approval therein.)**

APPLICATION FORM FOR EMPANELMENT OF ADVOCATES IN ESIC

(TO BE FILLED IN BY APPLICANT ADVOCATES AS WELL AS EXISTING EMPANELED ADVOCATES)

To,
The Deputy Director (I/c)
Sub Regional Office,
ESI Corporation,
Pandeypur, Varanasi

PHOTO

Name (In Full Block Letter)	
Father's/Husband Name	
Court for which applied (Specify Court wise)	
<u>CHECKLIST</u>	
List of documents attached (Please mark tick)	
Copy of all Certificates & mark-sheets (Graduation onwards,)	
Experience Certificates	
Duly filled Annexure B	
Other (Please specify):	
1.	
2.	
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.	Are you related to any ESIC Employee? Address of office/chamber, if any, and phone	
7.	Mobile Number(s)	
8.	Valid Email ID (In capital letter)	

9.	Is any of your relative is an ESI Employee? 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	Year of passing
LLB/ Law Graduate				
Post- Graduation				
Other Professional Qualifications				

11. Whether the applicant is currently on the Panel of ESIC/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.

S.No	Name of the Advocates	Enrolment No with date

14. Infrastructural facilities available with the applicant at place where empanelment is sought be provided below

Office space (Details)	Office clerk	Steno/typist	Support staff

15. No of Cases relating to ESIC handled earlier.

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

16. Whether the applicant has been engaged (through Vakalatnama) as counsel in any Land mark 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/Brief

17. Whether Income Tax return is being filed for last two year? Yes/no (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 against the applicant advocate before the disciplinary committee of the Bar council of alleged professional misconduct.

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

20. Whether any criminal case has ever been filed or FIR registered or any criminal proceeding has ever been 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 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 complete 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.

Signature of the Advocate Enrolment
Number
Mobile No

Place
Date