

**ANNEXURE- 'A'****APPLICATION FORM FOR EMPANELMENT IN ESIC  
(TO BE FILLED IN BY APPLICANT ADVOCATES)**

To  
The  
Regional Office / Sub Regional Office/ ESIC Hospital  
ESI Corporation,  
.....

Photo

Name (In Block letter)	
Father's Name	
Court for which applied (Specify Court wise)	
<b>CHECKLIST</b> List of documents attached (please) <ul style="list-style-type: none"> <li>• Copy of all Certificates &amp; mark - sheets (Graduation onwards)</li> <li>• Copy of Bar Council Registration</li> <li>• Experience Certificates • Duly filled Annexure B</li> <li>• Others (Please specify): 1. क. रा. बा. नि.</li> <li>2. ESIC</li> <li>3.</li> </ul>	

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	
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
LLB/ Law Graduate Degree					
Post Graduation					
Other Professional					
Qualification(s)					

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 honours 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 :



**ESI CORPORATION, SUB REGIONAL OFFICE, TIRUPATHI**

**TERMS AND CONDITION 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 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.

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.

**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, TIRUPATHI 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, J.M. Court and other related Courts in the cases allotted to him.
- 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, 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, TIRUPATHI through its Legal Branch, Social Security Officer (Legal) and Branch Office Managers, if required to do so.
- iv) 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.
- 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 empaneled 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 in which he has appeared / or likely to appear which is likely to affect or lead to litigation against the ESI Corporation.
- iii) If the counsel happens to be 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 case (e.g.) appeals / revisions in the High Court of Supreme Court of 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 with the date, time and venue of interview will be informed individually / through e-mail.
- viii) The applicant advocate shall bring 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 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 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 High Court, State Consumer Forum, EI Court, Magistrate Court 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-parte order is passed against the ESIC.
- vi) Counsel / Advocate should able to handle the cases, which are assigned to and appear in such assigned cases in the Courts and should prepare Written Statement, Appeal Memo, Application e t c . and also provide legal opinion to the ESI Corporation. Advocate will look after and advice the ESI Corporation on legal matters including Filling / Defending Suits, Petitions and Appeals that may be entrusted to you.
- vii) Counsel / Advocates should have minimum of 05 years regular practice and standing in the Bar and handled Labour Law related cases.
- viii) Advocate should not take up any case against ESIC during the period of empanelment and shall not do things prejudicial to the Corporation interest.
- ix) Advocate empaneled 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 is promptly credited to the ESI Corporation.
- xi) Applicant Advocates must 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, TIRUPATHI every month under a copy to Deputy Director Office.
- 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 Plate etc.
- xv) 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 exist to claim that you should alone be entrusted with the ESI Corporation work for 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 it is established that wherever 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.
- 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 or their spouse or juniors or partners in their firm should not represent the party in cases against ESI Corporation under any circumstances.
- xx) The Advocates shall accept the terms and condition of the empanelment as determined by the ESIC from time to time.
- xxi) The Deputy Director In-charge, Sub Regional Office, TIRUPATHI will be the final authority to assign the cases in various Courts in TIRUPATHI Region to the empaneled Advocates depending upon the requirement / nature of the cases.





## CHAPTER VIII

### PAYMENT OF FEES TO PANEL ADVOCATES

#### 8.1 Fees Payable to Advocates on the Panel of the ESIC and Other Legal Practitioners Who May Be Engaged

Retainership fee for Standing Counsels before Hon'ble Supreme Court, Hon'ble High Courts and Hon'ble CAT @ Rs. 6,000/- p.m. respectively. Headquarters vide Circular No. T-11/12/2/2016-Legal dated 02.01.2017 and 01.05.2019 has conveyed the approval of competent authority on revision of the structure of fee in relation to Advocates / Panel Counsels and various categories of legal practitioners engaged by the ESIC.

The fee structure applicable to all ESIC Panel Counsels shall be at the rates revised as under:

Fee Structure PER CASE including Misc. Application		
S. No.	Court	Consolidated Fees
1.	High Courts, National Consumer Forum, NCLAT	Rs.25,000/-
2.	CAT	Rs.20,000/-
3.	State Consumer Forum, District and Subordinate Courts and other Tribunals including NCLT	Rs.12,000/-
4.	E.I. Courts, Magistrate Courts, District Consumer Forum	Rs.5,000/-
5.	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 judgement goes against the corporation either in full or part. 2. Misc. Expenditure including Court Fees shall be paid on actual basis on the submission of bills along with the statements and/or vouchers.	

The OM No.26(1)/2014-Judl dated 01/10/2015 issued by Ministry of Law and Justice, Department of Legal Affairs, Govt. of India has been adopted for those Panel Counsels of ESIC who are also in the panel of Central Government.

#### 8.2 In the case, ESIC Panel Counsels opt for fee on per appearance basis in CAT, High Courts, NCLAT & National Consumer Forum, it shall be paid as applicable rates as mentioned below:



S. No.	Details of Work	Proposed Revised Fee
1.	Fee for effective hearing Counsel Junior Counsel (Proxy)	Rs.9,000/- per appearance Rs.2,250/- per appearance
2.	Fee for non-effective hearing Counsel Junior Counsel (Proxy)	Rs. 1500/- per appearance Rs. 450/- per appearance (Maximum five such hearings)
3.	Fee drafting Pleadings Counsel Junior Counsel	Rs.3,000/- per pleading Rs.1,350/- per pleading
4.	Conference Fee Counsel Junior Counsel	Rs. 900/-per conference Rs.450/-per conference (Maximum three such conferences in a case)
5.	Daily Fee out of Headquarters Senior Counsel Junior Counsel	Rs.3,000/- per day Rs.2,250/- per day

The effective/non-effectiveness of the hearing should be ensured as per OM dated 11/09/2000 while making payment of fees as per Govt. of India rates.

For Advocates/Counsels seeking professional fees at senior counsel rates, the prior approval of status of the counsels needs to be obtained from the Headquarters in terms of OM No. No.T-11/12/2/2016-Legal dated 02.01.2017.

- 8.3** Subsequent to adoption of the Notification F.No.26(1)/2014 dated 01.10.2015 issued by Ministry of Law & Justice in respect of Law Officers (Condition of Service) Amendment Rules, 2015 for regulating the fees in respect of Attorney General (AG), Solicitor General (SG), Addl. Solicitor General (ASG), Special Counsel (Ex. – AG, SG, ASG) and Senior Advocates appointment by the Hon'ble Courts. Accordingly, the Fee Structure for various courts are as under:

**(A)**

THE FEE STRUCTURE APPLICABLE TO GROUP 'A', 'B' AND 'C' PANEL COUNSELS IN SUPREME COURT



S. No.	Item of Work	Revised Fee Group 'A' Panel Counsel	Revised Fee Group 'B' and 'C' Panel Counsel
1.	All Regular Appeals and Defended Writ Petitions (for final hearing)	Rs.13,500/- per case per day	Rs. 9,000/- per case per day
2.	All Defended Admission matters (SLP/TP and Writ Petitions and other misc. matters for admission)	Rs.9,000/- per case per day	Rs.4,500/- per case per day
3.	Settling of pleadings	Rs.5,250/- per case	---
4.	Appearance in Misc. Applications	Rs.4,500/- per case	---
5.	Conference	Rs.900/- per conference	---
6.	Out of Headquarter	Rs.13,500/- daily fee for the days of his absence from HQ	Rs.9,000/- daily fee for the days of his absence from HQ
7.	Conveyance charges for performing local journey while outside Headquarter	Rs.1,500/-	Rs. 1,500/-
8.	Clerkage	NIL	NIL
9.	Drafting SLP/ Counter Affidavit/ Rejoinder, etc.	---	Rs.3,000/- per case
10.	Drawing Written submission	---	Rs.3,000/- per case
11.	Drafting or Appearance in Misc. applications (including mentioning of the case/caveat/ clearance/ obtaining the number and taking date for hearing)	---	Rs.3,000/- per case

All other terms and conditions application to Group 'A', 'B' and 'C' Panel Counsel in Supreme Court in the pre-revised OM no.21(04)/1999-Judl. Dated 24.09.1999 read with OM No.21(05)/2011-Judl. Dated 01.10.2011 shall continue to remain applicable unless specifically revoked/revised.