

ESI CORPORATION, SUB REGIONAL OFFICE, TIRUNELVELI.
TERMS AND CONDITIONS FOR PANEL ADVOCATES

1. Terms for empanelment of Counsels:

The Counsels will be empaneled for conducting the cases in which the Employee's 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. They may be removed from the panel earlier than the time stipulated on immediate notice on either side without assigning any reason thereof, in the interest of the organization.

Advocates who have not been previously empaneled with ESIC are encouraged to apply. Fresh empanelment shall be considered on merit, subject to fulfillment of the prescribed eligibility criteria.

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, Tirunelveli or by any other authorized office depending upon the requirement / nature of the cases.

3. Eligibility Criteria for Empanelment:

- I. Counsel / Advocate should have minimum of 5 years regular practice and standing in the Bar and it is desirable that she /he should have handled Labour Law related cases.
- II. Counsel / Advocate should be able to represent the ESIC in the E.I. Court, Magistrate Court, Labour Court, State Consumer Forum, etc. and as such should be well versed with the ESI Act-1948, Code on Social Security-2020 as well as other related Acts and relevant Codes.

4. Duties of the Counsels on the Panel:

- I. The counsel shall appear before the E.I. Court, J.M. Court, Session Court, DRT, Consumer Forum and other legal forums / fora in the cases allotted to him / her for effectively defending ESIC and safeguarding interest of ESIC.
- 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 legal assistance to Sub Regional Office, Tirunelveli 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.

5. 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 or other courts or tribunals.
- IV. Refusal of any empaneled advocate to take up a matter on behalf of ESIC, without proper justification or grounds, shall entail cancellation / withdrawal of engagement.
- V. The Advocate shall maintain strict confidentiality of all information, records, pleadings, opinions and strategy relating to ESIC cases and shall not disclose the same to any third party or the media under any circumstances.

6. Procedure for Empanelment:

- I. The applicant advocate should apply on the format prescribed by the ESIC only. No other format will be accepted.
- 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 about the date, time and venue of interview.
- VIII. The applicant advocate shall bring original documents at the time of Interview / Interaction.
- IX. The list of selected advocates will be made available in public domain by ESIC. A Letter to applicant advocates confirming their empanelment will be issued by ESIC separately.

7. Selection of the Panel:

Panel will be finalized on the basis of recommendations of a committee to be constituted by the Head of the Office.

8. General Conditions:

- I. Applicant Advocates will not absent without prior approval of Competent Authority from appearance in court for any reason whatsoever. He / She will not seek any adjournment without any valid or cogent reasons.
- 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 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.
- V. 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 advice the ESI Corporation on legal matters including Filing/Defending Suits, Petitions and Appeals that may be entrusted to you.

- VI. Advocate should not take up any case against ESIC during the period of empanelment and shall not do things pre judicial to the Corporations interest.
- VII. Advocate 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 along with legal opinion so as to enable ESIC to proceed further.
- VIII. 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.
- IX. Applicant Advocates have to adhere to the instructions/guidelines issued by ESI Corporation from time to time.
- X. A report on progress of Suits / Cases entrusted to the Advocates, would be sent to the Legal branch, ESIC, Sub Regional Office, Tirunelveli by 10th of every month with a copy to the Head of the Office.
- XI. Applicant Advocates will not be entitled to any travelling expenses or any miscellaneous allowance for visiting branches or Courts.
- XII. Advocates should not use ESI Corporation name or Symbol in Letter Heads. Sign Boards and Name Plate etc.
- XIII. 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 you should alone be entrusted with the ESI Corporation work for a particular case.
- XIV. 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 filling an appeal from such a decision not later than 5 working days of the order. However, reason for success may also be forwarded along with final order.
- XV. 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 your part causing pecuniary damage/loss to the Corporation, we may recommend your name for including in the caution list for circulation among sister concerns i.e. EPFO etc., including Bar Association.
- XVI. 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.

- XVII. 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.
- XVIII. The advocates shall accept the terms and conditions of the empanelment as determined by the ESIC from time to time.
- XIX. The SRO In-charge, Sub Regional Office, ESIC, Tirunelveli will be the final authority to assign the cases in various courts in Tirunelveli Region to the empaneled advocates depending upon the requirement / nature of the cases.
- XX. The fee to counsel will be paid by the Sub Regional Office, ESI Corporation, Tirunelveli 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 along with a Stamped Receipt.
- XXI. Charges for cases withdrawn will paid as deemed appropriate by the Corporation.
- XXII. The performance of each empaneled Advocate shall be subject to periodical review in such form as may be prescribed in this behalf by the Competent Authority.

9. Documents to be submitted by the Advocate:

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

- I. Copy of Law Degree and other qualifications
- II. Copy of Valid Registration Certificate and Identity Card issued by the Bar Council/Association
- III. Copy of Aadhaar and PAN Card
- IV. Copies of Empanelment Letter issued by other Authorities/ entities in favour of the Advocate
- V. Resume with a brief profile of experience, background, education, list of clients and nature of cases dealt with
- VI. Proof of experience of handling Labour cases
- VII. Two recent coloured passport size photographs
- VIII. Copy of Income Tax Returns for last two financial years.

10. Cancellation of empanelment:

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

- I. Giving false information in the application for empanelment
- II. Failing to attend the hearing of the case without any sufficient reason and/or prior information
- III. Not acting as per ESIC's instructions or going against specific instructions;
- IV. Threatening, intimidating or abusing any of the ESIC's Employees, Officers, or representatives

- V. 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
- VI. Giving false or misleading information to ESIC relating to the proceedings of the case
- VII. Seeking frequent adjournments or not objecting the adjournment moved by other party without sufficient reason
- VIII. Frequent absence from the court proceedings even if "pass over" or "proxy" is obtained by an advocate.
- IX. Poor performance of the panel Advocate as assessed by ESIC Headquarters. 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.

11. 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.

12. Relaxation of any Terms and Conditions:

The SRO In-charge, Sub Regional Office, ESIC, Tirunelveli shall have the power to relax any terms and conditions prescribed.

Fee Structure is as under:

Name of the Court	Consolidated Fees
	Amount (In Rs.)
E.I. COURT / OTHER COURTS (including Magistrate Court, District Consumer Forum, District Court, Munisif Court, Sub Court, etc.)	5000/-
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 duly filled in applications, along with the supporting documents, are to reach 'The Joint Director(I/C), ESI Corporation, Sub Regional Office, Panchdeep Bhavan, ESIC Complex, Salai Street, Vannarapettai, Tirunelveli- 627003' on or before the last date of application. Applications reached after the last date shall not be entertained.