

ANNEXURE - A

ESI CORPORATION, SUB REGIONAL OFFICE, KALABURAGI

TERMS AND CONDITIONS FOR PANEL ADVOCATES

1. Terms for Empanelment of Counsels: The Counsels / Advocates will be empanelled for representing the cases in which the Employees' State Insurance Corporation is a party. The cases will be assigned to them on case to case basis or as may be entrusted to them and the Counsel would be required to conduct the cases to its finality. The Counsels would be in 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 therein , on immediate notice on either side without assigning any reason thereof.

Eligibility:-

- a) Minimum Qualification LLB from a recognized university
- b) Minimum Five Years Experience of Standing the Bar
- c) Experience in handling Labour law cases or related casses.

How to Apply:

Eligible practicing, Advocates may submit, duly filed application in the prescribed format along with the supporting documents in a sealed envelope by Post or by hand to " The Deputy Director (In-charge), ESI Corporation, SRO Kalaburagi, ESIC Para Medical College Building, Sedam Road, Kalaburagi -585106 latest by 31.07.2024 upto 5 PM. The envolepe should be superscripted with "Application for Empanelment of Advocate".

Selection process will be intimated in due course through e-mail. Hence it is requested to provide proper e-mail ID.

2. Allocation of cases to the Counsels: The cases will be allocated to the Counsels / Advocates in the panel on a case to case basis or region / area basis by the ESI Corporation, Sub Regional Office, Kalaburagi 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. Advice the ESI Corporation, SRO - Kalaburagi 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.
- iii. Render all legal assistance to Sub Regional office, Kalaburagi 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 case papers, dates of hearing of the cases, supply of copies of judgments etc.
- v. Perform such other duties of legal nature, which may be assigned to him by this office from time to time.

4. No. of counsels to be empanelled for District Court/JMFC Court.

Sl.No.	Courts at	No. of Posts
01	Kalaburagi	02

Note: - The No. of Empanelment may be increased and or decreased at the discretion of the Competent Authority of ESI Corporation, SRO - Kalaburagi.

5. Right to private Practice and Restrictions:-

- i. A Counsel empanelled with the ESI Corporation will have the right to engage in 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 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 of Supreme Court of other courts or tribunals.

6. Procedure for Empanelment:-

- i. The applicant advocate must apply on the format prescribed by the ESI Corporation, SRO - Kalaburagi 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, ESI Corporation, SRO -Kalaburagi 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 Registered Post.
- viii. The applicant advocate shall bring all original documents at the time of Interview.
- ix. Letter to applicant advocates confirming their empanelment will be issued by ESIC, SRO - Kalaburagi separately.

7. General Conditions:

- i. Applicant Advocates will not be absent without prior approval of Competent Authority from appearance in Court for any reason whatsoever.
- ii. Appeals, Revision or Petition arising from one common judgment 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, SRO - Kalaburagi in all the matters connected with the cases entrusted to the Counsels.
- iv. Counsel / Advocate will have to represent the ESI Corporation in the District Court, State / District Consumer Forum, 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 ESI Corporation 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 ESI Corporation.
- vi. Counsel / Advocate should 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 them.
- vii. Counsel / Advocates should have minimum experience 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 ESI Corporation during the period of empanelment and shall not do things which are prejudicial to the Corporation's interest.
 - ix. 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 ESI Corporation to proceed further.
 - x. Advocate entrusted with the cases, should immediately ensure that necessary action is to be taken for receipts of fine and such other cost of litigation as ordered by the Court and it should be promptly credited to the ESI Corporation.
 - xi. Applicant Advocates have to 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 concern, would be sent to the Legal Branch, Sub Regional Office, Kalaburagi every month under a copy to the office of the Deputy Director .
 - xiii. Applicant Advocates will not be entitled for any traveling 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 will exists to claim that the advocate concern 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, ESIC, SRO, Kalaburagi would like to state that in the case, Advocate's opinion turns out to be untrue and factually incorrect, causing loss to ESI Corporation, ESIC, SRO, Kalaburagi may seek such clarification as may be required to investigate the matter and fix the responsibility. In the event, if it is established that wherever gross negligence on the part of the Advocate causing pecuniary damage / loss to the ESI Corporation, ESI Corporation , SRO - Kalaburagi may recommend his 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 his 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 conditions of the empanelment as determined by the ESIC from time to time.
 - xxi. The Deputy Director In-charge, Sub Regional Office, Kalaburagi will be the final authority to assign the cases in various Courts in Kalaburagi Region to the empanelled Advocates depending upon the requirement / nature of the cases.
 - xxii. The fee to counsel will be paid by the ESI Corporation, Sub Regional Office, Kalaburagi 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.
 - xxiii. Charges for cases withdrawn will be paid as deemed appropriate by the ESI

Corporation, SRO- Kalaburagi.

8. Fee Structure to counsels of High Court, E.I. Court, Magistrate Courts etc. as per the Hqrs. letter No.T-11/12/2/2016-Legal dated 02/01/2017:

Name of the Court	Consolidated Fees (in Rs.)
High Court of Karanataka (Kalabuargi Bench), National Consumer Forum	25,000/-
CAT	20,000/-
State Consumer Forum District and Subordinate Courts and other Tribunals	12,000/-
E.I. Court, Magistrate Court, District Consumer Forum, & Other Courts (including District Court, Munisif Court, Sub Court etc.)	5000/-
<p>Note:</p> <ol style="list-style-type: none"> 1. 50% of the fee shall be paid on the completion of pleadings and balance 50% shall be paid after arguments, finalization of the case and on submission of certified copy of the judgement alongwith 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. 	