



कर्मचारी राज्य बीमा निगम
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES' STATE INSURANCE CORPORATION
(Ministry of Labour & Employment, Govt. of
India)



पंचदीप भवन, सर्वोदय नगर, कानपुर - 208005
Panchdeep Bhawan, Sarvodaya Nagar, Kanpur-208005
Phone: 0512-2217957 Email: rd-up@esic.nic.in
Website: www.esic.nic.in/ www.esic.in

**NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF ADVOCATES/STANDING
COUNSEL**

Employees' State Insurance Corporation (ESIC), a statutory body under Ministry of Labour and Employment, Government of India, intends to empanel advocates for representing Employees' State Insurance Corporation before Allahabad High Court, National Company Law Appellate Tribunal, Central Administrative Tribunal, National Company Law Tribunal at Prayagraj and Employees' Insurance Court, Chief Metropolitan Magistrate Court, District and Subordinate Courts and Other Tribunals, District Consumer Forum at Kanpur

The practicing advocates who are registered with Bar Council of India / State Bar Council with minimum of 5 years of experience are eligible for empanelment. The qualification, experience, schedule of fees, other terms and conditions for empanelment have been prescribed in Annexure-A, and the format in which the application has to be made is given as Annexure-B (Allahabad HIGH COURT/ NCLAT/NCLT/CAT) and Annexure-C (Employees' Insurance Court / District and Subordinate Courts and Other Tribunals / District Consumer Forum at Kanpur), available on website www.ro-up@esic.gov.in.

The advocates who are on the existing panel of advocates for ESIC, Regional Office, Kanpur are also required to apply afresh against the current advertisement, as the current panel ceases to exist with the constitution of the new panel as per the current notice.

The interested and eligible advocates can send their duly filled in application (Annexure-B/C), along with all the supporting documents to ‘ Regional Director (Incharge), ESI Corporation, Regional Office, Panchdeep Bhavan, Sarvodaya Nagar, Kanpur – 208005’. The last date of receiving applications in the prescribed format is 22.3.2024. The applications may be sent through post or dropped in the drop box kept for this purpose in the premises of Regional Office, Kanpur.

Regional Director
(Incharge), ESI Corporation,
Regional Office, Panchdeep
Bhavan, Sarvodaya Nagar
Kanpur – 208005

ANNEXURE-A

**TERMS AND CONDITIONS FOR PANEL OF ADVOCATES/STANDING
COUNSEL IN ESIC, REGIONAL OFFICE, KANPUR**

I. General terms and conditions:

1. The advocates will be empanelled for conducting cases in which ESI Corporation is a party before Allahabad High Court, National Company Law Appellate Tribunal, Central Administrative Tribunal, National Company Law Tribunal in Prayagraj and Employees' Insurance Court, C M M C o u r t , District and Subordinate Courts and Other Tribunals, District Consumer Forum in Kanpur. In addition of this Standing Counsel will be empanelled for conducting cases in which ESI Corporation is a party before Allahabad High Court , Prayagraj and Employees' Insurance Court and CMM Court in Kanpur .
2. Empanelment will not confer any right on the empanelled advocate to be entrusted with cases. The allocation of cases shall be made on the basis of availability of legal work and at the sole discretion of the Officer(s) so authorized by the Competent Authority.
3. The advocates will ordinarily be on the panel for a period of three years. The termination / non-renewal of empanelment shall be communicated to the panel advocate, and if so required, the advocate shall return the case papers along with all other documents / records connected therewith along with 'no objection certificate' / 'change of vakalatnama'. No Advocate shall have the right to represent ESIC upon termination of the term of empanelment.
4. The performance of each empanelled Advocate shall be subject to periodical review in such form as may be prescribed in this behalf by the Competent Authority.
5. The empanelled advocates shall not delegate cases and shall deal with the cases by themselves. They may have to coordinate and work with designated Senior Advocates, if any, engaged in certain cases as well as with the Officers of ESIC.
6. Refusal of any empanelled advocate to take up a matter on behalf of ESIC, without proper

justification or grounds, shall entail cancellation/withdrawal from empanelment.

7. The empanelled advocates shall offer efficient and effective professional services and give adequate attention in matters relating to ESIC and conduct themselves at all times in accordance with the Advocates Act, 1961 and the rules laid down by the Bar Council of Allahabad including rules regarding code of conduct and ethics.
8. The empanelled advocates shall not use ESIC's name, logo, symbol, etc. on their letterhead, signboard, name plate, pamphlets, etc., such as 'Legal Advisor of ESIC', 'Advocate of ESIC', etc. No empanelled advocate shall represent themselves as the Standing Counsel for ESIC before any court or forum unless specified as such by ESIC.
9. The empanelled Advocate shall maintain strict confidentiality of the cases or other matters handled on behalf of ESIC and shall not divulge any information to any third party or to the media. Any advocate who is found to have violated the above condition shall be liable to de-empanelment.
10. The advocate shall not seek any adjournment unless ESIC deems it necessary on valid or cogent reasons. Under no circumstances, the matters entrusted by ESIC should go unattended before the Court, which shall be viewed as serious violation of conditions of empanelment and may entail de-empanelment.
11. ESIC reserves the right to modify or relax the terms and conditions of engagement at any time and also the right to verify the information submitted by the advocate. The advocate shall in full accept the terms and conditions of the empanelment as determined by ESIC from time to time.
12. The applications of Advocates shall be shortlisted on such basis as may be decided by the Competent Authority. The shortlisted Advocates may be called for further interaction / interview before finalization of their empanelment. No TA/DA will be admissible for attending such interaction.
13. ESIC reserves the right to accept or reject any application without assigning any reason or to postpone or cancel the entire process of empanelment, if necessary.

II. Eligibility criteria for empanelment:

1. The advocate should have a Bachelor Degree in Law from a recognized University in India.
2. The advocate should be enrolled / registered as an advocate with Bar Council of India / State Bar Council.
3. The advocates should have minimum of 05 years regular practice and standing in the Bar and handled cases before the courts, preferably labour law related cases, with necessary supporting documents / judgments.
4. The advocates applying for empanelment in various courts are required to be well versed in ESI Act, labour law, Civil and Criminal procedure, and other relevant Acts, Codes, etc., wherever applicable. The advocates must have good communication skills.
5. The advocates are required to have office / residence at the place where empanelment is sought so as to ensure their availability for conducting cases on their own.

The Competent Authority may relax the experience or prescribe any other additional qualifications or conditions as may be deemed fit.

III. Tenure of Panel:

1. The panel shall be constituted for a period of 3 years.
2. The empanelment of any advocate may be terminated by the Competent Authority before the expiry of the term for reasons of non-compliance of the terms and conditions by the advocate.
3. The advocate whose empanelment is terminated for non-compliance of the terms and conditions shall return the case papers relating to the cases which were entrusted to them, along with all other related documents / records and 'no objection certificate' / 'change of vakalat'.

IV. Entrustment of cases:

1. The advocates will be empanelled for the respective courts as per the eligibility, experience, and requirement, subject to acceptance by the advocate of terms and conditions.
2. The cases will usually be allocated to the empanelled advocates on rotation/roster basis so as to give work to each advocate in due proportion and quantum.
3. The Competent Authority may entrust cases to any advocate of choice on the basis of the nature of the case or the performance / specialization of the advocate. The decision of Competent Authority in entrusting cases to the advocates shall be final.

V. Fees and other Conditions:

The fee structure is as given under:

Fee Structure for per case including Miscellaneous Application / Review Application			
<u>Sl. No.</u>	<u>Court</u>	<u>Consolidated Fees for advocates</u>	<u>Fees for standing Counsel</u>
1.	High Court, NCLAT	Rs. 25,000/-	Rs. 9000.00 per month
2.	CAT	Rs. 20,000/-	
3.	NCLT, State Consumer Forum, District and Subordinate Courts and other Tribunals	Rs. 12,000/-	
4.	E.I. Courts, Magistrate Courts, District Consumer Forum	Rs. 5,000/-	Rs. 6000.00 per month

- i. 50% of the fee, if requested so by the advocate, shall be paid on the completion of pleadings/filing of counteraffidavit and balance 50% shall be paid after arguments, finalization of the case and on submission of certified copy of the judgment along with legal opinion in case the judgment goes against the Corporation in full or part.
- ii. Miscellaneous expenditure including Court Fees shall be paid on actual basis on the submission of bills along with the statements and/or vouchers.

- iii.* No retainer fee shall be paid to any panel advocate merely because such advocate has been empanelled.
- iv.* No TA/DA admissible for attending the Courts.

VI. General procedure for empanelment

1. The applicant advocate must apply in the format (Annexure-B for Allahabad High Court/NCLAT/NCLT/CAT and Annexure-C for Other Courts / Tribunals) as prescribed by ESIC. No application in any other format will be entertained. The advocates applying for the High Court/NCLAT along with any other court(/s)/tribunals must apply separately for the High Court/NCLAT/NCLT/CAT (Annexure-B) and Other Court(s)/tribunals (Annexure-C) in the respective prescribed formats.
2. The applications are to be complete in all respects, along with the documents in support of their eligibility, qualification, experience, etc.
3. Depending upon the requirement and number of applications received, ESIC reserves the right to shortlist the candidates to be called for interaction / interview and to be empanelled.
4. The shortlisting of candidates for interaction will be done as per the criteria as may be adopted by the committee constituted for that purpose. The decision of the Committee in this regard shall be final.
5. Interaction process for selection to respective courts will be conducted separately. The suitability of an advocate for a particular court / courts shall be decided by the Selection Committee. The empanelment of an advocate to particular court/courts is subject to the advocate's acceptance of the selection.
6. Mere fulfilment of the eligibility criteria will not confer any right on an applicant advocate to be called for interaction or to be selected.
7. The decision of ESIC regarding short listing and selection of the candidates shall be final.

8. Canvassing in any form shall be treated as ground for disqualification. The candidature of such applicants shall be cancelled forthwith.
9. The date, time, venue, and mode of interaction will be communicated by letter (Registered post with acknowledgment due) and e-mail. In exceptional circumstances SMS etc. may be used as additional form of communication. The applicants are required to provide their e-mail ID in their applications.
10. The advocates are required to submit the following documents along with their application:
 - i. Copy of Degree in Law and other qualifications;
 - ii. Copy of valid Registration Certificate Issued by the Bar Council;
 - iii. Copy of ID Proof;
 - iv. Copy of Income Tax Returns for the last two financial years.
 - v. Resume with a brief profile of experience, background, education, list of clients and nature of cases dealt with;
 - vi. Copies of empanelment letters, if any, issued by other Departments / Organizations in favour of the Advocate;
 - vii. Copies of the Judgments, if any, in cases where the advocate has appeared.
11. The applicant advocates may be required to bring original documents at the time of interaction.
12. The applicant advocates selected for empanelment may be issued electronic or written communication by ESIC separately.
13. The list of selected advocates will be made available in public domain by ESIC at www.ro-up@esic.gov.in.
14. The duly filled in applications, along with the supporting documents, are to reach ‘ Regional Director (Incharge), Regional Office, ESI Corporation, Panchdeep Bhavan, Sarvodaya Nagar, Knpur-208005’ on or before the last date of application. Applications reached after the last date shall not be entertained.

VII. Duties of the empanelled Advocates

1. The advocate will be intimated regarding entrustment of a case through e-mail / letter and after receiving the entrustment e-mail / letter, it is the duty of the advocate to represent ESI Corporation before the Court and to conduct the case.
2. The advocate must promptly attend the cases which are entrusted to them and argue the cases on behalf of ESIC. The advocate's absence in the Court for their entrusted cases will be considered as grounds for de-empanelment.
3. The advocate shall receive the petition copies / documents related to the case from the opposite party, if not already served on ESIC, and furnish copies of the same to ESIC for information and further instructions. The advocate shall file affidavits / counter affidavits / petitions / documents before the Courts wherever required on behalf of ESIC. The advocate shall obtain the necessary instructions from ESIC in this regard.
4. The advocate shall prepare grounds of appeal or petitions / affidavits in cases where ESIC decides to file appeal or case before the courts and entrusts the case to the advocate. The advocate shall file and conduct the case / appeal before the courts on behalf of ESIC.
5. It shall be the responsibility of the empanelled Advocate to keep ESIC informed and updated on all the developments in their cases, dates of hearing, order of the court on the date of its pronouncement, supplying certified copies of judgments / orders etc. The advocate must report the status of the cases after each date of hearing through e-mail.
6. The refusal by any advocate to accept any legal work without furnishing in writing any reasonable cause (e.g. on grounds of conflict of interest) may entail removal of such advocate from the panel forthwith without waiting for the empanelment period to expire.
7. The advocate shall not advise any party or accept any case against ESIC or take up a case in which their appearance is likely to affect or lead to litigation against ESIC.
8. The advocates shall accept the terms and conditions of the empanelment as determined by ESIC from time to time.

9. In cases where Ministry of Labour & Employment is to be represented on the request of the Union of India, no extra fee shall be paid to the advocate to watch and safeguard the interests of Union of India, Ministry of Labour & Employment.
10. The advocate shall render all assistance to Senior Advocate engaged in particular cases before various Courts. If required, the advocates may be assigned matters to defend interest of ESIC before various courts/ tribunals within Chennai.
11. The advocate must apply for the Certified Copy of the Judgment (CCJ) immediately after the order is pronounced by the Court and must take necessary steps to furnish ESIC with the CCJ.
12. If any case that is entrusted to the advocate is decided against the Corporation, the advocate must give considered opinion regarding the reasons for such adverse order and the advisability of filing an appeal from such a decision within a period of 5 working days from the date of the order (web copy). The advocate is required to furnish a legal opinion even in cases decided in favour of ESI Corporation.

VIII. Right to private practice and restrictions

1. The advocate can have private practice which should not, however, interfere with or be in conflict with the efficient discharge of their duties as an empanelled advocate of ESIC.
2. The Advocate shall not advise any party or accept any case against ESIC during empanelment.

IX. Cancellation of empanelment

The empanelment of an advocate shall be liable to be cancelled due to any of the following 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 intimation;
3. Not acting as per ESIC's instructions or going against specific instructions;
4. Threatening, intimidating or abusing 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 in cases where 'pass over' is obtained by the advocate.

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.

X. Removal of difficulty

If any doubt or difficulty arises with regard to interpretation of any clause in these terms and conditions, the decision of Competent Authority shall be final.



HEADQUARTERS OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, C.I.G. ROAD,
NEW DELHI-110002
(<http://esic.nic.in>)

No. : T-11/12/2/2016-Legal

Dated: 02.1.2017

OFFICE MEMORANDUM

**Sub : Revision of fees payable to various categories of Advocates/
Counsels engaged in ESIC – regarding**

The Delegation of Power for payment of fees to the advocates/Panel Counsels have been communicated through letter no. A-38/15/2005-MSU dated 20/02/2005 stands modified to the extent as given in the table below :

(A) Fee Structure PER CASE including Misc. Application			
<u>S.No.</u>	<u>Court</u>	<u>Consolidated fees</u>	<u>Remarks</u>
i	High Courts, National Consumer Forum	Rs. 25,000/-	This may be incorporated in Combined DOPs/DOPs issued to RDs/ Directors/ Joint Director Incharge/ MS/Deans Medical Institutions (wherever applicable)
ii	CAT	Rs. 20,000/-	
iii	State Consumer Forum District and Subordinate Courts and other Tribunals	Rs. 12,000/-	
iv	E.I. Courts, Magistrate Courts, District Consumer Forum	Rs. 5,000/-	
<u>NB</u>	<i>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.</i> <i>2. Misc. Expenditure including Court Fees shall be paid on actual basis on the submission of bills alongwith the statements and/or Vouchers.</i>		

(B) 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 (copy enclosed) has been adopted for the panel Counsels of ESIC who are also in the panel of Central Govt.

All ESIC panel Counsels shall be entitled for fee structure mentioned at (A) above to the courts mentioned therein. For Courts mentioned at (A) i & ii, non-central Govt. panel Counsels shall have option either to opt consolidated fee or the fees applicable to the Jr. Counsels laid down in the OM. However, for payment of fees to Advocates/Counsels at Sr. Counsel rates, the prior approval of status of the Counsels needs to be obtained from the Hqrs.

The Central Govt. Standing Counsels who have accepted and attended the Court on behalf of Union of India/ESIC and ESIC Counsels could not appear, the fee shall be regulated as per the OM no. 33(1)/2000-Judl dated 11/09/2000 issued by the Ministry of Law, Justice and Company Affairs, Govt. of India shall be applicable. (Copy enclosed)

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.

The effective date of the revised fees for (A) & (B) shall be 01-01-2017.

Encl : a.a.



(A.K. SAHU)
JT. DIRECTOR (LEGAL)

Copy to :

1. All Divisional Heads, ESIC, Hqrs./NTA, New Delhi
2. All Regional Directors/Director/Joint Director I/c of ROs/SROs
3. All Medical Superintendents, ESIC Hospitals
4. All Deans, ESIC Medical College/Institutions
5. All Joint Directors (Finance)/Dy. Director (Finance) of ESIC establishments.
6. The Joint Director (E-V/Cash), Hqrs.
7. Web Site Content Manager, ESIC Hqrs. with the request to upload on the web site.
8. Rajbhasha Shakha for Hindi Version/MSU for updates
9. P.S. to D.G.
10. Guard File

F.No.33(1)/2000-Judl.
Government of India
Ministry of Law, Justice & Co. Affairs
Department of Legal Affairs
Judicial Section
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New Delhi, the 11th September, 2000

OFFICE MEMORANDUM

Subject : Revision of fee payable to Senior Counsel/Central
Government Standing Counsel in various High Courts
- Clarifications req.
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The undersigned is directed to refer to this Department's O.M. No. 24(2)/99-Judl., O.M. No.26(1)/99-Judl., O.M. No.26(2)/99-Judl. and O.M. No.25(3)/99-Judl., all dated 24th September, 1999 regarding revision of fee payable to Senior Counsel/Central Government Standing Counsel in Delhi High Court, various High Courts, Karnataka High Court and Madras High Court respectively and to state that certain doubts have been raised by some departments. The doubts have been examined by the Government and the following decisions have been taken :-

1. Proforma Party :-

(i) In a case where Union of India is only a proforma party and no instructions from the concerned department are given to the Counsel and the Counsel continues to appear in the matter, the Counsel is entitled to 1/3rd fee. Even if such a case is disposed of at admission stage, the Counsel is entitled to 1/3rd fee.

(ii) In such cases where the Administrative Department informs the Counsel/concerned Litigation Section not to contest the case on their behalf, then the Counsel is not entitled to any fee.

2. Cases disposed of at the admission stage (where the Department is one of the main respondents) :-

(i) Where the case is disposed of or dismissed at the admission stage and the Department has no notice of the case and no instructions are given to the Counsel, the Counsel may be paid 1/3rd fee.

(ii) In such a case where the Department has notice of the case and instructions are given to the Counsel and/or some reply is also filed and the Counsel gets the case disposed of/dismissed at the admission stage, the Counsel may be paid full fee.

3. In identical cases where more than 10 cases are involved :-

Where more than ten identical cases are involved, groups of ten cases each may be made treating one case in each group as the main case and the other nine cases in each group as connected cases and pay the fee to the Counsel as per term XIII-10 of the terms and conditions of engagement of Counsel of Delhi High Court and other similar terms of engagement of Counsel in various High Courts.

4. Misc./out of pocket expenses :-

In para 2(d) of this Department's O.M. Nos.26(1)/99-Judl., 24(2)/99-Judl. and 26(2)/99-Judl. dated 24th September, 1999, it is clearly stated that misc./out of pocket expenses will be borne by the Ministry/Department on whose behalf the Counsel conducts the case in the concerned Court. As regards ceiling, it may be stated that the Counsel is to be reimbursed the actual expenses incurred. Such expenses are to be paid to the Counsel by the concerned Department to their own satisfaction. For this purpose, if need be, the Counsel can be requested to furnish the details of the misc. expenses incurred. The other course could be that the misc. expenses are directly borne by the concerned Department so that the necessity to reimburse the misc. expenses to Government Counsel does not arise. The misc. expenses are in addition to the clerkage.

5. Refresher fee :-

The terms and conditions provide that if in a case, hearing on a writ petition goes on for more than three days, an additional fee of Rs.375/450.00 per day (not exceeding three in number) may be paid by way of refresher fee. From the above wording, it follows that refresher fee is to be paid when hearing on a case is continuously held for more than three consecutive days. In other words, if hearings in the case are held on different dates, the Counsel is not entitled to refresher fee. To put it more clearly, it may be stated that if hearing in a case is held continuously for four days, the Counsel is entitled to one day's refresher fee, if the hearing is held continuously for five days, the Counsel is

entitled to two days' refresher fee, if the hearing in a case goes on for six days continuously, the Counsel is entitled to three days' refresher fee.

6. Misc. Applications :-

Terms and conditions provide for a fee of Rs.300/- per petition in Civil Misc. Petitions, Forma Pauperis, Transfer Petitions and other Civil Misc. Petitions/ Applications not otherwise provided for. It is clarified that for drafting and conducting Misc. Applications e.g. stay application, application for exemption from filing certified copies, condonation of delay, early hearing and urgent application, the Counsel is entitled to Rs.300/- per application.

7. Daily fee for going out of headquarters and appearance fee :-

Sometimes doubts are raised as to whether daily fee is in addition to the appearance fee or it includes appearance fee. It is, hereby, clarified that the daily fee is to be paid in addition to the appearance fee.

8. Regulation fees :-

Terms and conditions of engagement of Counsel in various High Courts provide that in original suits and Civil Appeals from decrees in original suits and proceedings (except under Articles 226 and 227 of the Constitution). 2nd Appeal, LPA (other than those mentioned in Item (i) of the schedule of fee) and Land Acquisition Appeals in the High Courts, the Counsel will be paid regulation fee. It is, hereby, clarified that the regulation fee is the fee prescribed in the concerned High Court Rules for such items.

In respect of Senior Panel Counsel :-

9. Effective and non-effective hearings :-

Though the terms and conditions define effective and non-effective hearings, these may further be clarified as under :-

If the matter is called in its turn and the Counsel is present to represent the Department and the Court listens to the submissions made by him, or by other

side or by both and if thereafter the Court adjourns the matter, that will be an effective hearing because the case in any event is to be adjourned after hearing from time to time till it is finally disposed of. Further the effective hearing should be interpreted to mean final hearing because final hearing takes place only once and not from time to time.

If a case is mentioned and adjourned (which means the Counsel has not to wait till the matter is called in its turn) and if the Court gives only directions and if the Court delivers judgement, they will not be effective hearings.

Ministry of Environment and Forests, etc. are requested to bring these decisions/clearifications to the notice of all concerned.

(D.R. MEENA)

Joint Secretary & Legal Adviser to the Government of India

Copy to :-

1. All Ministries/Departments to the Government of India.
2. All Senior C.G.S.C./Additional C.G.S.C. in Delhi High Court and various High Courts.
3. All Senior C.G.S.C./Additional C.G.S.C. in Karnataka High Court/Madras High Court.
4. All Senior C.G.S.C./Additional C.G.S.C. in CAT, Delhi.
5. Incharge, Branch Secretariats - Mumbai, Calcutta, Bangalore & Madras.
6. Incharge, Litigation (HC) Section.
7. Incharge, Central Agency Section.
8. Central Agency Section, Litigation (HC) Section.
9. Guard File, Judicial Section (with 10 s/copies).
10. OL Section for hindi translation.

(D.R. MEENA)

Joint Secretary & Legal Adviser to the Government of India

No. 26(1)/2014/judl.
Government of India
Ministry of Law & Justice
Department of Legal Affairs
Judicial Section

New Delhi the 1st October, 2015

OFFICE MEMORANDUM

Sub: Revision of fee payable to various categories of Central Government counsel.

In partial modification to this Department's various OMs issued from time to time, the undersigned is directed to convey approval of Competent Authority for the revision of the fee structure applicable to Government counsels of all the categories with immediate effect as per the details given below:-

(A)

The Fee structure applicable to Group 'A' 'B' and 'C' panel Counsel in Supreme Court:-

Sl.No.	Item of work	Revised fee Group 'A' Panel Counsel	Revised fee Group 'B' & 'C' Panel Counsel
1.	All Regular Appeals and defended Writ Petitions (for final hearing)	₹13,500/- per case per day	₹ 9,000/- per case per day
2.	All defended Admission matters (SLP/TP and writ petitions & other misc. matters for admission)	₹ 9,000/- per case per day	₹ 4,500/- per case per day
3.	Settling of pleadings	₹ 5,250/- per case	---
4.	Appearance in Miscellaneous Applications	₹ 4,500/- per case	---
5.	Conference	₹ 900/- per conference	---
6.	Out of Head quarter	₹ 13,500/- daily fee for the days of his absence from HQ.	₹ 9,000/- daily fee for the days of his absence from HQ.
7.	Conveyance charges for performing local journey while outside Headquarter.	₹ 1,500/-	₹ 1,500/-
8.	Clerkage	NIL	NIL
9.	Drafting SLP/Counter Affidavit/Rejoinder etc.	---	₹ 3,000/- per case
10.	Drawing Written Submission	---	₹ 3,000/- per case

11.	Drafting or Appearance in Miscellaneous Applications (including mentioning of the case/Caveat/Clearance/obtaining the number and taking date for hearing)	---	₹ 3,000/- per case
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All other terms and conditions applicable 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.

(B)

The Fee structure applicable to Assistant Solicitors General of various High Courts, Central Government Standing Counsel of Delhi High Court (CGSC), Senior Central Government Standing Counsel (Sr. CGSC) of various Benches of CAT and Senior Panel Counsels in various High Courts/ CAT Benches (excluding the High Courts of Bombay and Calcutta) as per the following rates:-

Sl. No.	Item of work	Revised fee
1.	Retainer Fee of:- Assistant Solicitor General of various High Courts, Central Government Standing Counsel of Delhi High Court (CGSC) and, Senior Central Government Standing Counsel (Sr. CGSC) of various Benches of CAT.	₹ 9000/- per month.
2.	Suits, Writ Petitions and Appeals, including oral Applications for Leave to Appeal to Supreme Court in Writ Petitions.	₹ 9000/- per case per day of effective hearing in case of non-effective hearing ₹ 1500/- per day subject to a maximum of 5 hearing
3.	Application for Leave to Appeal to Supreme Court in Writ Petitions:	₹ 3000/- per case
4.	Settling pleadings	₹ 3000/- per case
5.	Miscellaneous Application	₹ 3000/- per case
6.	Conference	₹ 900/- per conference subject to:- (i) for setting pleadings- one conference. (ii) In respect of hearing of Writ matters, Suits, appeals and Supreme courts leave applications etc- Three conference (Maximum)
7.	Miscellaneous and out of pocket expenses	As per actual to the satisfaction of the administrative Ministry/ Department.

All other terms and condition applicable to Senior Panel Counsels in various High Courts/ CAT Benches (excluding the High Courts of Bombay and Calcutta in to this Department's, OM No. 24(2)/99-Judl., OM No. 26(1)/99-Judl., OM No. 25(3)/99-Judl., and OM No. 26(2)/99-Judl., all dated 24.09.99, read with OM No. 26(1)/2005-Judl. dated 31.01.2008 and OM No. 26(1)/2011-Judl., dated 01.10.2011, shall continue to remain applicable unless specifically revoked/revised.

Revision of the fee structure applicable to the Panel Counsel of High Courts as well as of CAT Benches of Bombay and Kolkata:-

Sl.No.	Item of Work	Special Counsel	Senior Counsel Group. I	Senior Counsel Group. II	Jr. Counsel Advocate on record
1.	Suits, Appeals, Writ /Revision Petitions including Special Civil Application in the High Court.	₹ 9000	₹ 6000	₹ 3750	₹ 1800
	Per conference/Consultation	₹ 900	₹ 750	₹ 600	₹ 450
2.	Application including Interim Motions, Notices, Appeals, Leave Application, Arbitration, Company Matters, Criminal Revision and other Land Acquisition References (per day per effective hearing)	₹ 3000	₹ 3000	₹ 2250	₹ 1350
	Per conference/Consultation	₹ 900	₹ 750	₹ 600	₹ 450
3.	Drafting or Settling Pleadings, and Affidavits (per pleadings)	₹ 3000	₹ 1800	₹ 1500	₹ 1050
	Per conference/Consultation	₹ 900	₹ 750	₹ 600	₹ 450
4.	Appearance before Arbitration and Tribunals, etc and Courts other than High Courts (Per day per effective hearing)	₹ 7500	₹ 6000	₹ 3750	₹ 2250
	Per conference/Consultation	₹ 900	₹ 750	₹ 600	₹ 450
5.	Chamber Application, including Adjournment Application per day inclusive of consultation	NIL	₹ 1500	₹ 900	₹ 600
6.	Written opinions and written advice including advice on evidence (Inclusive of consultation)	₹ 3750	₹ 2250	₹ 1350	₹ 1050

All other terms and conditions applicable to the Counsels of High Courts as well as of the CAT Benches of Bombay and Kolkata in the pre-revised OM No. 23(2)/2001-Judl. & OM No. 22(02)/2001 dated 14th July, 2001 read with 23(2)2011-Judl. dated 1st October, 2011 shall continue to remain applicable unless specifically revoked/revised:-

Note:- There will be no ceiling on the number of conference/ consultation in the case of Special Counsel; however in the case of other categories of Counsels, the number of conferences per cases will be limited to four (relaxable to six at the discretion of the Incharge (Litigation) of Branch Secretariat, Mumbai/Kolkata.

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The Fee structure applicable for Panel Counsel, Delhi High Court and Central Govt. Counsel/ Pleader of various High Courts (including Panel Counsel of various CAT, Benches) excluding the High Courts of Bombay and Calcutta, as per the following rates:-

Sl.No.	Item of Work	Revised fee
1.	Civil or Criminal Writ Petitions under Article 226 & 227 of the Constitution, Contempt Petitions, Criminal/Civil Revision Petitions, Reference to the High Court under Sales Tax Act and Banking Company Petitions,	₹2250/- per effective hearing ₹450/- per non-effective hearing (subject to maximum of five hearings in a case)
2.	Original Suits, Civil Appeal from Decrees in Suits and proceedings including second appeal and land acquisition appeal except LPA from Petitions under Article 226 & 227 of the Constitution (including drafting fee)	Ad. Valoram/regulation fee (subject to maximum of ₹ 45,000/- in a case.)
3.	Company Petitions	To be regulated by the rule contained in Appendix (iii) of the Company (Court) Rules, 1959
4.	Drafting of pleadings counter affidavits/returns/answer to Writ Petitions/Grounds of Appeal and application for leave to appeal to the Supreme Court	₹ 1,350/- per pleading
5.	Drafting of Civil Misc. applications to petitions under the Indian Succession Act, Contempt of Court proceedings and other proceedings of an original nature	₹1,125/- per petition
6.	Civil Misc. petitions, forma paupers, transfer petitions and other civil misc. petitions of routine nature	₹ 450/- per petition
7.	Consultation /conference fee.	₹ 450/- per conference (subject to maximum of 4 conferences in a case)

8.	Appearance before the High Court in application under Section 34 & 37 of the Arbitration and Conciliation Act, 1996 Appearance before Arbitrator/Umpires etc.	₹2,250/- per effective hearing ₹ 450/- per non-effective hearing (subject to a maximum of 5 hearing in a case). ₹ 450/- per non-effective hearing (subject to a maximum of 5 hearings in a case).
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All other terms and condition applicable to above mentioned Counsels in to this Department's, in OM No. 24(2)/99-Judl., OM No. 26(1)/99-Judl., OM No. 25(3)/99-Judl. and OM No. 26(2)/99-Judl, all dated 24.09.99 read with OM No. 26(1)/2005-Judl. dated 31.01.2008 and shall continue to remain applicable unless specifically revoked/revised.

(E)

The Fee structure Standing Govt. Counsel and Additional Standing Govt. Counsel in the District and Subordinate Courts:-

Sl.No.	Item of work	Revised fee
1.	Retainer fee for Standing Govt. Counsel	₹ 6000 per month
2.	Fee for effective hearing	₹ 1800 per day
3.	Fee for non-effective hearing	₹ 600 per day (not more than 5 such hearings in a case)
4.	Fee for drafting Written Statement, Grounds of Appeal etc.	₹ 1500 per pleading
5.	Fee for drafting other pleadings of misc. nature	₹ 600 per pleading
6.	Fee per Conference	₹ 900 (subject to maximum of 5 such conferences in a case / group of identical cases)
7.	Daily fee for out of Headquarters	₹ 2700 per day
8.	Conveyance charges for local journey outside Headquarters	₹ 900 (lump sum)
9.	Expenses for stay in hotels	₹ 1800 per day
10.	Clerkage	@ 10% of total fee excluding miscellaneous and out of pocket expenses (maximum ₹ 5250 in a case)
11.	Fee for identical Cases	Full fee in the 1 st case and ₹ 750 in per suit for connected cases (max. 3 cases)
12.	Miscellaneous and out of pocket expenses	As per actual to the satisfaction of the administrative Department.

All other terms and conditions applicable to above mentioned Counsels in to this Department's, OM No. 27(11)/1999-Judl dated 24.09.1999 read with OM No. 27 (25)/2011-Judl. dated 01.09.2011, shall continue to remain applicable unless specifically revoked/revised.



(F)

The Fee structure applicable to Senior/Junior Arbitration Panel Counsel:-

Sl. No.	Details of work	Proposed Revised fee
1.	Fee for effective hearing Senior Counsel Junior Counsel	Rs. 2,250/- per appearance Rs. 1,500/- per appearance
2.	Fee for non-effective hearing Senior Counsel Junior Counsel	Rs. 450/- per appearance Rs. 300/- per appearance (maximum four such hearings)
3.	For drafting pleadings Senior Counsel Junior Counsel	Rs. 1,500/- per pleading Rs. 750/- per pleading
4.	Conference fee Senior Counsel Junior Counsel	Rs. 450/- per conference Rs. 300/- 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

All other terms and conditions applicable to OM No. 30(3)/99-Judl. dated 24.09.99 read with OM No. 26(1)/2005/Judl. dated 31.01.2008, shall continue to remain applicable unless specifically revoked/revised.

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2. The above revised fee will be effective from 01.10. 2015.

3. The counsel will be paid fee at the old rates in respect of their appearance in the Court etc. and other work done by them prior to 01.10. 2015 and at the revised rates in respect of the work done by them on/ after 01.10. 2015.

4. This issues with the approval of the Ministry of Finance, Department of Expenditure E.II(B) Branch, ID Note No.9 (11)/99-E.II(B) dated 02.03.2015 and 07.08.2015.

(Suresh Chandra)

Joint Secretary and Legal Adviser

Tele No. 23387806

Copy to:

1. All Ministries/Departments to the Government of India.
2. Incharge, Central Agency Section, Litigation (HC) Section, Litigation Lower Courts Section. All Groups-A, B & C panel counsel of Supreme Court through Incharge, Central Agency Section.
3. All Senior Panel Counsel of High Courts/ CATs through concerned Assistant Solicitors General in High Courts/ Sr. CGSC of CATs Benches.
4. All Assistant Solicitors General in various High Courts/ Sr. CGSC of CATs Benches.
5. All Central Government Standing Counsel/Central Government Pleaders of Delhi High Court.
6. All Asstt. Solicitors General/Central Legal Adviser of various High Courts.
7. All Senior Central Government Standing Counsel/Addl. Central Government Standing Counsel of various CAT Benches.
8. All Standing Govt. Counsel and Additional Standing Govt. Counsel before various District and Subordinate Courts as per the list.
9. All Senior/Junior Counsel of the Arbitration Panel.
10. All Special Counsel, Senior Counsel Group-I, Senior Counsel Group-II and Junior Counsel of High Courts as well as CATs Benches of Bombay and Kolkata through the concerned Incharge of Branch Secretariat of Bombay and Kolkata.
11. Incharge, Branch Secretariats Mumbai/ Kolkata/ Chennai/ Bangalore.
12. All Sections of Department of Legal Affairs.
13. Legal Advisor, Railway Board, New Delhi (with 5 spare copies).
14. Department of Personnel and Training (AT Section), New Delhi (with 5 s/copies.)
15. Joint Secretary (Legal), Department of Revenue, Ministry of Finance, New Delhi (with 5 s / copies)
16. CBDT, Department of Revenue, Ministry of Finance, New Delhi (with 5 s / copies).
17. Branch Secretariats Mumbai/Calcutta/Chennai/Bangalore.
18. Ministry of Urban Development, Nirman Bhawan, New Delhi.
19. Department of Expenditure, Ministry of Finance, New Delhi w.r.t. their ID Note No.9 (11)/99-E.II(B) dated 02.03.2015 and 07.08.2015..
20. DGS&D, New Delhi.
21. NIC Cell with the request to upload the same in the website of this Department.
22. Judicial Section with 50 spare copies.
23. O.L. Section for Hindi translation.

Madhulika Upadhyay

(Madhulika Upadhyay)

J. Central Govt. Advocate

Tel. 23389006

ANNEXURE-B

APPLICATION FORM FOR EMPANELMENT IN ESIC, REGIONAL OFFICE, KANPUR
(TO BE FILLED IN BY THE APPLICANT ADVOCATES)

To
Regional Director(Incharge) ,Regional Office,
ESI Corporation,
Panchdeep Bhavan, Sarvodaya Nagar,
Kanpur-208005

Photo

Name (In Block Letters)	
Father's Name	
Name of the Court applied for	Allahabad HIGH COURT/ NCLAT/NCLT/CAT
<u>CHECKLIST</u>	
List of documents attached (please mark tick)	
Copy of all Certificates and mark-sheets (Graduation Onwards)	
Experience Certificates	
Duly filled in Annexure-B	
Others (Please specify):	
1.	
2.	
3.	
4.	

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 Phone No.	
7.	Enrollment Number (please attach copy)	
8.	Mobile Number(s)	
9.	Email ID	
10.	Are you related to any ESIC employee? If so, please give details (viz. Name, designation, place of work & relationship with the applicant)	

11. Details of Educational qualification

(Commencing with the Graduation or equivalent examination)

<i>Examinations Passed</i>	<i>Name of the Board/University</i>	<i>Class or division</i>	<i>% of Marks</i>	<i>Subjects</i>	<i>Year of Passing</i>
LLB/Law Graduate					
Post Graduation					
Other Professional Qualifications					

12. 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	Period	
	From	To

13. 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

14. If one or more advocates are associated as juniors of the applicant, their details to be provided below

Sl. No.	Name of the advocates	Enrolment No. with date

15. Infrastructural facilities available with the applicant's office be provided below

Office space (Address, area, location, self-owned/leased)	Office clerk	Steno/typist	Support staff

16. Number of Cases relating to ESIC handled earlier:

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

17. 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 / Brief

18. Whether Income Tax return is being filed for last five years? Yes/No
(If yes, please attach copies of ITRs for last two financial years)

19. 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

20. Whether any proceeding has ever been commenced against the applicant advocate 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

21. 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

22. Any additional professional qualification(s), which will further the candidature, including membership of professional society, awards and honors etc. may be listed in the box below (Documentary proof 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.
3. I also undertake to abide by the terms and conditions of empanelment.
4. I also undertake to return all case files and records to the ESIC as and when required by ESIC.
5. I agree with the fee schedule notified by ESIC.

Signature of the Advocate :

Enrolment number :

Mobile number :

Place: _____

Date: _____

ANNEXURE-C

APPLICATION FORM FOR EMPANELMENT IN ESIC, REGIONAL OFFICE, KANPUR
(TO BE FILLED IN BY THE APPLICANT ADVOCATES)

To
Regional Director(Incharge) ,Regional Office,
ESI Corporation,
Panchdeep Bhavan, Sarvodaya Nagar,
Kanpur-208005

Photo

Name (In Block Letters)	
Father's Name	
Name of the Court applied for	Employees' Insurance Court / District and Subordinate Courts and Other Tribunals / District Consumer Forum at Kanpur

CHECKLIST

List of documents attached (please mark tick)

Copy of all Certificates and mark-sheets (Graduation Onwards)

Experience Certificates

Duly filled in **Annexure-C**

Others (Please specify):

- 1.
- 2.
- 3.
- 4.

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 Phone No.	
7.	Enrollment Number (please attach copy)	
8.	Mobile Number(s)	
9.	Email ID	
10.	Are you related to any ESIC employee? If so, please give details (viz. Name, designation, place of work & relationship with the applicant)	

11. Details of Educational qualification
(Commencing with the Graduation or equivalent examination)

<i>Examinations Passed</i>	<i>Name of the Board/University</i>	<i>Class or division</i>	<i>% of Marks</i>	<i>Subjects</i>	<i>Year of Passing</i>
LLB/Law Graduate					
Post Graduation					
Other Professional Qualifications					

12. 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	Period	
	From	To

13. 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

14. If one or more advocates are associated as juniors of the applicant, their details to be provided below

Sl. No.	Name of the advocates	Enrolment No. with date

15. Infrastructural facilities available with the applicant's office be provided below

Office space (Address, area, location, self-owned/leased)	Office clerk	Steno/typist	Support staff

16. Number of Cases relating to ESIC handled earlier:

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

17. 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 / Brief

18. Whether Income Tax return is being filed for last five years? Yes/No
(If yes, please attach copies of ITRs for last two financial years)

19. 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

20. Whether any proceeding has ever been commenced against the applicant advocate 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

21. 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

22. Any additional professional qualification(s), which will further the candidature, including membership of professional society, awards and honors etc. may be listed in the box below (Documentary proof 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.
3. I also undertake to abide by the terms and conditions of empanelment.
4. I also undertake to return all case files and records to the ESIC as and when required by ESIC.
5. I agree with the fee schedule notified by ESIC.

Signature of the Advocate : _____

Enrolment number : _____

Mobile number : _____

Place: _____

Date: _____