



**ESI-PGIMSR AND ESIC HOSPITAL & ODC (E.Z.)**  
**DIAMOND HARBOUR ROAD, JOKA, KOLKATA, 700 104**  
(A statutory body under the Ministry of Labour & Employment, Government of India)  
AN ISO 9001:2008 CERTIFIED ORGANIZATION  
Fax: 2467 2795, Phone: 2467 1764 / 6280 / 1322

File No. 412-T-11/15/1/2017-Legal (Emp)

Date: 08/01/2018

**Detailed Advt. No. 01/2018**

**NOTICE INVITING APPLICATION FOR EMPANELMENT OF ADVOCATES  
AT ESI-PGIMSR AND ESIC HOSPITAL & ODC (EZ), JOKA, KOLKATA-104**

Dean, ESI-PGIMSE and ESIC Hospital & ODC (E.Z), Joka invites applications from competent practicing advocates for engagement as panel Counsel(s)/advocate(s) to represent ESIC before various Courts and Tribunals including High Court, Central Administrative Tribunal (CAT), Metropolitan court, District Court, Labour court, Consumer Forums etc in Kolkata and the State of West Bengal, Eligible practicing advocate may submit application in the format prescribed in Annexure "A" enclosed herewith, along with all supporting document in a sealed envelope to Dean, ESI-PGIMSR and ESIC Hospital & ODC (EZ), Joka, latest by **31.01.2018** up to **04.00 PM**. The envelope should be superscripted with following: "***Application for Empanelment of Advocate for High Court, Central Administrative Tribunal and other Courts/Forums in Kolkata and the State of West Bengal***".

**Terms & Conditions:**

**1. Eligibility:**

Advocate should be registered with Bar Council of India/State Bar Council and have minimum of 5 years experience in handling matters pertaining to Service/Labor/Contract/consumer disputes/criminal cases etc. and should be well versed with the related Acts and Codes. They should not be handling any case at present against the Corporation.

Age at the time of empanelment should preferably be below 65 years.

**2. General:**

- i) The Advocate shall not necessarily be empanelled for any specific court and shall accept the work assigned to him/her and shall not refuse to accept any case without reasonable cause.
- ii) Refusal by any Advocate to accept any case otherwise than on grounds of conflict of interests, may entail removal of such advocate from the panel. Similarly, no advocates, as long as his name is in the panel, shall contest any matter against the Corporation.
- iii) The Advocates empanelled under these guidelines shall not be employees of the Corporation and, therefore, shall not be eligible for any benefits available to the Corporation employees.
- iv) The empanelled Advocates shall maintain absolute secrecy and confidentiality about the cases of the Corporation.
- v) Advocate should have necessary infrastructure such as Chamber, Library, Phone/Mobile, FAX, e-mail ID (mandatory) etc.

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- vi) Advocate should update the progress of the cases on regular basis to the concerned officers. Further, advocate should also submit a monthly report of cases dealt by him/her to this office clearly stating the status of all pending cases along with actions to be taken, if any, by this office.
- vii) The empanelled Advocate should attend the hospital on regular basis for discussion and necessary opinion as and when required and directed. Refusal to attend this office, when specifically directed, may entail removal of such advocate without assigning any reason thereof.
- viii) The Advocates who are already on the existing panel of this Hospital shall cease to be on the panel after the new panel is finalized against this notice. However, they are required to continue with the pending cases, as already entrusted to them, till finalization. All such existing advocates need to apply afresh for fresh empanelment.

### 3. Tenure/term of Empanelment:

The initial empanelment will be for five (05) years or until further orders whichever is earlier. Performance of empanelled advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the advocate, the empanelment may be renewed for a period of another five years by the Corporation. The corporation reserves the right to terminate the empanelment of any advocate at any time with a notice of 15 days.

### 4. Schedule of Fees:

Fee structure PER CASE including Misc. Application		
Sl no.	Court	Consolidated fees
i	High Court, National Consumer Forum	Rs 25,000/-
ii	CAT	Rs 20,000/-
iii	State Consumer Forum, District and Subordinate Courts and other Tribunals	Rs 12,000/-
iv	E.I Court, Magistrate Court, District Consumer Forum	Rs 5000/-

#### Note:

- a) 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 judgment along with his/her opinion in case the judgment goes against the Corporation either in full or part.
- b) Misc. expenditure including Court Fees shall be paid on actual basis on the submission of bills along with the statements and/or vouchers.
- c) No separate clerkage fees will be paid.
- d) Rs.600/- will be paid for Written Opinion and Written Advice including advice on evidence on misc. matters (no related with case matters).
- e) The above fees may further be revised/regulated as per instructions of ESIC HQ Office, New Delhi.
- f) No retainer fee shall be paid to any panel advocate merely because such advocate has been empanelled.



**5. Procedure for Empanelment:**

The Dean, ESI-PGIMSR and ESIC Hospital & ODC (EZ), Joka will advertise for empanelment in the newspapers with specific requirement. The intending advocates will be required to visit the website to know the details and also to download the application and the other requisites relating to the empanelment.

The application so received shall be scrutinized in all respect and shortlisted candidates would be called for a formal interactive session on a subsequent date to be decided and intimated by the Competent Authority. While considering the bio-data for empanelment, the length of practice and specialization in the area concerning to the Corporation shall be given priority.

**6. Self-attested documents to be submitted by the Advocates:**

- i) Bio data as per Annexure "A" with photograph attached on it.
- ii) Matriculation certificate/Birth certificate in support of Age.
- iii) Certificate of Registration with Bar Council.
- iv) Identity Card issued by Bar Association/Bar Council.
- v) Certificates in support of educational qualification.
- vi) Brief details of experience in handling Court cases.
- vii) An undertaking from the advocates to the effect that all information furnished by him/her is correct.
- viii) Photocopy of PAN Card & Aadhaar Card.

**7. Communication of Empanelment:**

A communication in writing to all the finally selected candidates to this effect shall be sent to the Advocates with acknowledgement and acceptance due. The process of empanelment shall be treated as complete when the Corporation receives and acceptance letter from the advocate concerned.

**8. Right to Private Practice and Restriction:**

- i) An advocate shall have the right to private practice which should not, however, interfere with or be in conflict with the efficient discharge of his/her duties as an empanelled advocate of the Corporation.
- ii) An advocate shall not advise any party or accept any case against the Corporation in which he/she has appeared or is likely to be called upon to appear or advise.

**9. Disablements: disablement on the part of the Advocate shall mean and include any of the following:**

- i) Giving false information in the application for empanelment.
- ii) Handing over the case to another advocate without proper information to concern authority.
- iii) Failing to attend the hearing of the case without sufficient reason and prior information.
- iv) Threatening, intimidating or abusing any of the Corporation's employees, officers or representatives.
- v) Committing an act tantamounting to contempt of Court or professional mis-conduct.

- vi) Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council.
- vii) Passing on information relating to Corporation's case to the opposite parties or their advocates which is likely to cause damage to the corporation's interests.
- viii) Giving false or misleading information to the Corporation relating to the proceedings of the case.
- ix) Frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason.
- x) Empanelment shall be liable to be cancelled due to occurring of any of the above disablements on the part of the Advocate, with a notice of 15 days.

#### **10. Removal of Difficulty :**

In the matter of implementation of these guidelines, if any, doubt or difficulty arises or doubt regarding the interpretation of any of the clause of this Notice arises, the same shall be placed before the Corporation and the decision of the Corporation thereon shall be final. The Corporation in this regard would mean The Dean ESIC-PGIMSR and ESIC Hospital & ODC (EZ), Joka, Kolkata-104

Sd/-  
DEAN

**Annexure "A"****BIO DATA OF ADVOCATE**

Name of Advocate	
Name of Father/Spouse	
Date of Birth	
Age as on 31.01.18	
Nationality	
Marital Status	
Address for correspondence with PIN and phone number/FAX number	
Address of Office/Chamber, if any, with PIN and phone/FAX number	
E-mail address (mandatory)	
Educational Qualification (Photo copies of certificates to be attached)	
Name of Bar Council, Month/Year of Enrollment & Enrollment Number (Enclose photo copy of Bar Council enrolment certificate & ID)	
Period of practice/ Place of practice/ Court of practice (Attach experience certificate from Court/Bar)	
Details of junior associated with the applicant and their details in brief.	
List of institutions where empanelled (attach photo copy of proof)	
Details of Bank Account and Aadhaar Number (photo copies to be attached)	
PAN Number issued by Income Tax Department (Photo copy of PAN Card to be enclosed)	
Any other relevant information (use additional sheet if required)	

