



कर्मचारी भविष्य निधि संगठन

EMPLOYEES' PROVIDENT FUND ORGANISATION

[श्रम एवं रोजगार मंत्रालय, भारत सरकार]

आंचलिक कार्यालय: मुंबई-II, ठाणे

Zonal Office: Mumbai-II, Thane

वरदान कमर्शियल कॉम्प्लेक्स, 6 वीं मंजिल, एम.आय.डी.सी, रोड नं. 16, वागले एस्टेट, ठाणे-400604

Vardaan Commercial Complex, 6th floor, M.I.D.C, Road No. 16, Wagle Estate, Thane-400604

टेलीफोन/TELEPHONE-(022)68806602, 68806609

e-mail: acc.thane@epfindia.gov.in



No. ZO/MUM-II/17(78)2021/848

Date: 27.09.2024

**NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF
ADVOCATES FOR MUMBAI-II, THANE ZONE, FOR THE BLOCK
YEAR 2025-27.**

Employees' Provident Fund Organisation (EPFO), on behalf of the Central Board, EPF, a statutory body of the Ministry of Labour & Employment, Government of India, proposes to engage Panel Counsel (s) to represent the Central Board, EPF before different Judicial fora, namely:

1. Bombay High Court,
2. Central Government Industrial Tribunal (CGIT) I & II, Mumbai
3. Central Administrative Tribunal (CAT), Mumbai Bench
4. National Company Law Tribunal (NCLT), Mumbai Bench
5. State Consumer Disputes Redressal Commission, Maharashtra Mumbai
6. District consumer Forum (Mumbai, Thane, Navi Mumbai, Raigadh, Palghar),
7. District courts & Lower Courts (Mumbai, Thane, Navi Mumbai, Raigadh, Palghar),

The practicing advocates who are registered with Bar Council of India/ State Bar Council are eligible for empanelment. The qualification, experience, schedule of fees, other terms and conditions and the application format in which the application has to be made, have been prescribed.

The Advocates who are on the existing panel of EPFO shall cease to be on the panel of EPFO after new panel is finalized against this notice. Therefore, existing panel advocate may also apply afresh in response to this notice.

Eligible practicing advocate must submit application in the format prescribed in Annexure "A" and Annexure "B" enclosed herewith, along with all supporting documents in a sealed envelope to:

*"Regional Provident Fund Commissioner-I (Legal),
O/o Additional Central Provident Fund Commissioner, Mumbai-II, Thane Zone,
Employees' Provident Fund Organisation, Vardan Commercial Complex 6th Floor,
MIDC, Road No 16, Wagle Estate, Thane. Mumbai- 400604."*

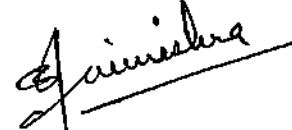
The envelope should be superscribed as following:-

"Application for Empanelment of Advocate for High Court, CGIT I & II, CAT, NCLT, SCDRC, DCDRF, District Courts & Lower Courts." (Please strike off whichever is not applicable)

The guidelines regarding qualification, experience, schedule of fees, other terms and conditions, Application Forms (Annexure 'A' & 'B') are available along-with this advertisement at EPFO Website www.epfindia.gov.in.

The last date of receiving Applications in the prescribed format along with supporting documents is **15th November, 2024 till 16.00 hours**. The scanned copy of application along-with Annexures may be sent to E-Mail ID at acc.thane@epfindia.gov.in followed by postal submission.

Application for empanelment at EPFO does not confer any right/ assurance whatsoever, to an applicant that he/she will be empaneled on the panel of EPFO. Letters to selected advocates confirming their empanelment will be issued by EPFO separately.



अनिमेष मिश्रा/ Animesh Mishra

Addl. Central P.F. Commissioner

Copy to: RPFC-I (NDC), with a request to upload this Notice along-with guidelines and Annexures on the Website of EPFO.



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GUIDELINES

EMPANELMENT OF ADVOCATES

EPFO defends its cases through its panel advocates. It is supremely important that the legal cases of EPFO are properly defended. In order to defend the cases properly, it is necessary to have good panel counsels, capable of presenting the cases in an effective manner before the courts. The panel advocates for Supreme Court cases are appointed by Head Office, with the approval of CPFC, while with a view to decentralize and improve the monitoring the Additional CPFCs (Zonal) are empowered to empanel the advocates for other courts for the field offices under their jurisdiction.

The policy on empanelment of advocates to regulate the manner and procedure for empanelment is as described under;

1. GENERAL

- i. In order to effectively defend the cases before various legal fora, EPFO has its own set of panel advocates. The schedule of fees payable to them shall be as prescribed by EPFO. Further, lawyers appointed by Department of Legal affairs are not engaged by EPFO as it may not exercise any control or coordination with advocates appointed by the Department of legal Affairs.
- ii. Empanelment will only confer a right to be considered for legal work, if any, and not bind EPFO to award or give work to any Advocate, so empaneled, at any point of time during the term of engagement.
- iii. The allocation of cases/legal work shall be at the sole discretion of officers so authorized by EPFO.
- iv. Upon termination or non-renewal of term of empanelment, as the case may be, the Advocate shall return the brief(s) allocated to the Advocate by EPFO along with all other documents/records connected thereto with no objection certificate, if so

required. No Advocate shall have the right to represent EPFO or undertake any activity upon expiry or termination of the term of engagement.

- v. Cases involving similar issues/points of law or otherwise interlinked or clubbed may be entrusted to the same Advocate as far as possible, while care shall be taken to avoid concentration of cases in the hands of one Advocate/ a few advocates.
- vi. The empaneled Advocates shall not delegate cases and shall themselves deal with the same. They may have to coordinate and work with designated Senior Advocates, if any, engaged in the case as well as with the officers of EPFO, if required.
- vii. The empaneled Advocates shall not use EPFO's name, logo, symbol, etc. on their letterhead, signboard, nameplate, pamphlets, etc., such as 'Legal Advisor of EPFO', Advocate of EPFO', etc. No empaneled Advocate shall represent himself as the Standing Counsel of EPFO before any court or forum unless specified as such by EPFO.
- viii. The Advocate shall ensure efficient and effective professional services and bestow commensurate attention in relation to matters of EPFO and conduct himself at all times in accordance with the Advocates Act, 1961 and rules laid down by the Bar Council of India, including rules regarding code of conduct and ethics.
- ix. The Advocate, while pursuing any case on behalf of EPFO, shall not act without instructions of EPFO and inform EPFO about the proceedings of each hearing by reporting mail and furnish copy of orders of each date without which the EPFO may not settle bills of payment.
- x. The Advocate shall not seek any adjournment without any valid or cogent reasons. Under no circumstances, the matters entrusted by EPFO should go unattended before the Court, which shall be viewed as serious violation of conditions of empanelment and may entail taking back the brief or cancellation of such empanelment.
- xi. The performance of each empaneled Advocate shall be subject to periodical review in such form as may be prescribe in this behalf by the Competent Authority.
- xii. The empaneled Advocate shall maintain strict confidentiality of the cases or other matters handled on behalf of EPFO 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 have his empanelment cancelled immediately without further notice.
- xiii. Refusal of any empaneled Advocate to take up a matter on behalf of EPFO, without proper justification or grounds, shall entail cancellation/withdrawal of engagement.

- xiv. EPFO 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/law. The Advocates shall in full accept the terms and conditions of the empanelment as determined by EPFO from time to time.
- xv. The Advocate should have an office at the place where empanelment is sought. The Advocate should have adequate infrastructure in terms of accessible office, chambers, library, manpower, etc. which shall be considered at all times.
- xvi. The Advocate should have excellent communication skills.
- xvii. The applications of Advocates should be shortlisted on such basis as may be decided by the EPFO. The shortlisted advocates may be called for further interaction before finalization of their empanelment. No TA/DA will be admissible for attending such interaction.
- xviii. EPFO reserves the right to accept or reject any application without assigning any reason or to postpone or cancel the entire process, if necessary.
- xix. If required and considered appropriate by the Competent Authority, Attorney General of India/Solicitor General of India/Additional Solicitor General/Advocate General/Designated Senior Advocates may be engaged to argue the cases on behalf of EPFO keeping in view the importance of the matter. The Competent Authority in these cases shall be the Central Provident Fund Commissioner or any officer so authorized by Central Provident Fund Commissioner.
- xx. An advocate can be engaged from outside the panel of the Central Board/EPFO, engagement for litigation is considered desirable to protect or promote the best interest of social security or the Central Board/EPFO. Such an advocate can be engaged only after recording the reason for his/her engagement and after securing the permission of the Central Provident Fund Commissioner at least two weeks before the date of hearing.

2. ELIGIBILITY CRITERIA FOR EMPANELMENT

- i. The Advocate should have a Bachelor Degree in Law from a recognized university.
- ii. The Advocate should be enrolled/ registered as an advocate with a Bar Council.
- iii. For Supreme Court, the Advocate should be registered as an Advocates-on Record.
- iv. The Advocates are required to have the minimum professional/court practice experience of minimum 7 years for High Courts and other Courts in the State. For

Supreme Court, NCDRC, NCLAT, NCLT a minimum of 10 years' experience shall be required.

- v. However, the Central Provident Fund Commissioner may relax the experience or prescribe any other additional qualification or condition as deem fit.

3. TENURE OF PANEL

In the interest of continuity and stability, ordinarily the panel shall be constituted for a period of 3 years. However, for the reasons to be recorded in writing the panel can be discontinued before expiry of the term. The process of new panel shall be started not later than 3 months of expiry of the existing panel. For any reason with a panel is re-constituted before expiry of the existing panel, the existing panel shall continue till new panel is constituted so that the on-going litigations are not affected.

4. PAYMENT OF FEE AND OTHER CONDITIONS

- i. The fee payable to the Advocates shall be such as prescribed by EPFO, from time to time. The current provisions in the matter of payment of fees to Panel Advocates as per the Legal Framework Document of EPFO, is enclosed herewith.
- ii. EPFO shall have the right in exceptional cases to approve the payment of a higher fee than the fee mentioned in the annexed schedule keeping in view the importance of the matter and the efforts put in by the advocate in a particular case.
- iii. No retainer fee shall be paid to any Panel Advocate merely because such advocate has been empaneled.

5. GENERAL PROCEDURE FOR EMPANELMENT

- i. The applicant advocate must apply in such form/format as may be prescribed by EPFO. No other form/format will be entertained.
- ii. Depending upon the requirement and number of applications received, EPFO reserves the right to shortlist the candidates to be called for interaction and to be empaneled.
- iii. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for interaction and to be selected.
- iv. The decision of EPFO regarding short listing and selection of the candidates shall be final.

- v. Canvassing in any form shall be treated as disqualification. The candidature of such applicants shall be cancelled forthwith.
- vi. The date-time, venue and mode of interaction shall be communicated by E-mail or letter. SMS etc. may be used as additional form of communication.
- vii. The applicant advocate may be required to bring original documents at the time of interaction.
- viii. The list of selected advocates will be made available in public domain by EPFO. The applicant advocates selected for empanelment may be issued electronic or written communication by EPFO separately.

6. DOCUMENTS TO BE SUBMITTED BY THE ADVOCATE

The Advocates will be required to furnish such documents along with the application as may be prescribed by the Competent Authority. Generally, such documents shall include

- a. Copy of Law Degree and other qualifications;
- b. Copy of Registration Certificate Issued by the Bar Council;
- c. Copy of Identity Card issued by the Bar Association;
- d. Copy of ID Proof;
- e. Copies of 10 judgments where the Advocate has appeared as pleader;
- f. Copies of Empanelment Letter issued by other Authorities/entities in favour of the Advocate;
- g. Resume' with a brief profile of experience, background, education, list of clients and nature of cases dealt with;
- h. Two recent coloured passport size photographs;
- i. Copy of Income Tax Returns for last two financial years.

7. DUTIES OF THE EMPANELLED ADVOCATES

- i. The Advocate shall not advise any party or accept any case against EPFO in which he/she appeared or is likely to be called upon to appear for or advise which is likely to affect or lead to litigation against EPFO.
- ii. Timely appearance of the Counsel to contest the cases for EPFO in the Court is a must. His/her absence in the Court, without any reasonable ground and notice in advance, will not be accepted.

- iii. EPFO sends the information to the panel advocates through e-mail regarding entrustment of a case and after receiving the e-mail, it is duty of the Panel Advocates to collect the brief/copy of petition along with assignment letter from the concerned office of EPFO at the earliest.
- iv. EPFO is free to engage any advocate of its own choice and an empaneled Advocate shall make no claim that he/she alone would be entrusted with EPFO's legal matter (s).
- v. Refusal by any advocate to accept any work without 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.
- vi. The advocates shall accept the terms and conditions of the empanelment as determined by EPFO from time to time.
- vii. In order to ensure that there is effective check on the cases being conducted, the Advocates on the Panel must report the status of the cases after each date of hearing. Failure to submit status report will be ground for removal of the name of the lawyer concerned from the panel.
- viii. In cases where on the request of the Union of India, Ministry of Labour & Employment have also to be represented, no extra fee shall be paid to the advocate to watch and safeguard the interests of Union of India, Ministry of Labour & Employment.
- ix. If required, render all assistance to Special or Senior Counsel engaged in particular cases before the Supreme Court or any other judicial body. If required, the advocate may be assigned matters to defend interest of CBT, EPF/EPFO before various legal forums within/out-side Delhi.
- x. Keep EPFO informed and updated on all-important developments in the designated cases, dates of hearing, order of the court on the date of its pronouncement, supplying copy of orders/judgment etc.
- xi. Furnish monthly statement about the cases represented by him/her before the Supreme Court and their outcomes.
- xii. When any case attended by him/her is decided against the Organization, 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 (Kuchha Copy).
- xiii. 30% of the fees payable to the counsel shall be deducted if the certified copy of the judgment is not handed over to the Legal cell of EPFO within three days

(excluding the time taken by the Court in preparation of the copy) from the date of judgment.

8. RIGHT TO PRIVATE PRACTICE AND RESTRICTIONS

- 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 duties as an empaneled Advocate of EPFO.
- ii. An Advocate shall not advise any party or accept any case against EPFO in which he has appeared or is likely to be called upon to appear or advice.

9. CANCELLATION OF EMAPANELMENT

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 EPFO's instructions or going against specific instructions;
- iv. Threatening, intimidating or abusing any of the EPFO's employees, officers, or representatives;
- v. Passing on information relating to EPFO's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the EPFO's interests;
- vi. Giving false or misleading information to EPFO relating to the proceedings of the case; and
- 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 panel Advocate assessed by the monitoring committee.

Further, EPFO reserves the right to terminate the empanelment of a Counsel with one month's notice in writing without assigning any reason. The counsel may also resign from the organisation by serving one month's notice.

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 clause of these guidelines arises, the decision of EPFO shall be final.

11.RELAXATION OF ANY TERMS AND CONDITIONS

Central Provident Fund Commissioner shall have the power to relax any terms and conditions prescribed in this chapter.

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PAYMENT OF FEES TO PANEL ADVOCATES

Fee payable to advocates on the panel of the Central Board/EPFO and other legal practitioners who may be engaged

Head Office vide circular no. LC-4(1)2016/18332 dated 25.01.2017 has conveyed the approval of competent authority on revision of the structure of fee in relation to panel advocates and various categories of legal practitioners engaged by the

Central Board/EPFO. The revised rates are laid down in four tables - A, B, C, D and E.

A. SUPREME COURT :

The fee structure applicable to a legal practitioner engaged in connection with litigation in the Supreme Court will be at the rates revised as under:-

Table-A

Sl. No.	Item of Work	Fee for legal practitioner (in Rs.)
1.	All Regular Appeals and All defended Writ Petitions for final hearing	Rs. 9,000/-per case per day
2.	All defended Admission matters (SLP/TP /WP/etc)	Rs.4,500/- per case per day
3.	Settling of Pleadings	—
4.	Appearance in Miscellaneous Applications	—
5.	Conference	
6.	Out of Headquarter	Rs.9,000/- daily fee for the days of his absence from HQ.
7.	Conveyance charges for performing local Journey while outside Headquarter	Rs. 1500/-
8.	Clerkage	Nil
9.	Drafting SLP/ Counter Affidavit/Rejoinder	Rs. 3000/- per case
10.	Drafting Written Submission	Rs.3000/- per case
11.	Drafting or Appearance in Miscellaneous Applications (including mentioning of the case/ Caveat/ clearance/ obtaining the number and taking date for hearing)	Rs.3000/- per case

Note: - Advocates of good repute and more than 20 years' experience may also be engaged at the rates applicable to Group A Panel Counsel in Ministry of Law and Justice circular dated 01.10.2015, reproduced as below. —



Sl. No.	Item of Work	Fee for legal Practitioner (In Rs.)
1.	All Regular Appeals and All defended Writ Petitions for final hearing	Rs. 13,500/- per case per day
2.	All Admission matters (SLP/TP /WP/etc)	Rs .9,000/- per case per day
3.	Settling of Pleadings	Rs. 5,250/-per case
4.	Appearance in Miscellaneous Applications	Rs. 4,500/- per case
5.	Conference	Rs.900/- per case
6.	Out of Headquarter	Rs.13,500/- daily fee for the days of his absence from HQ
7.	Conveyance charges for performing local journey while outside Headquarter	Rs.1500/-
8.	Clerkage	Nil
9.	Drafting SLP/ counter Affidavit/Rejoinder	-
10.	Drafting Written Submission	-
11.	Drafting or Appearance in Miscellaneous Applications (including mentioning of the case/ Caveat/Clearance/obtaining the number and taking date for hearing)	-

All other terms and conditions applicable to Panel Counsels in the pre-revised OM bearing number No. 21(04)1999-Judl dated 24.09.1999 read with OM bearing number No. 21(05)2011-Judl dated 01.10.2011 issued by the Ministry of Law and Justice shall continue to remain applicable.

B. HIGH COURT AND NCDRC:-

The fee structure applicable to Panel Counsels, Assistant Solicitors General of various High Courts, Central Government Standing Counsel, Senior Central Government Standing Counsel (Sr.CGSC) engaged in connection with litigation in all High Courts, and NCDRC are revised as per the following rates:-

Table-B

S. No.	Item of work	Revised fee
1.	Suits, Writ Petitions and Appeals, including oral Applications for Leave to Appeal to Supreme Court in Writ Petitions and Revision Petitions including Special civil applications in High Courts	Rs. 9,000/- per case per day of effective hearing. In case of non-effective hearing Rs.1,500/- per day subject to maximum of five hearings.
2.	Application for Leave to Appeal to Supreme Court in Writ Petitions-	Rs. 3,000/- per case
3.	Drafting or Settling pleadings, and Affidavits (per pleadings)	Rs. 3,000/- per case

Contd...

S. No.	Item of work	Revised fee
4.	Miscellaneous Application	Rs. 3,000/- per case
5.	Conference	Rs 900/- per conference subject to the following limitations:- (I) In respect of settling pleadings- one conference. (ii) In respect of hearing of Writ matters, Suits, appeals and Supreme courts leave applications etc- Three conferences
6.	Miscellaneous and out of pocket expenses	As per actuals to the satisfaction of the concerned field office
7.	Written opinions and written advice including advice on evidence (inclusive of consultation)	Rs. 3,750/-

All other terms and conditions applicable to the above-mentioned Counsels in various High Courts / CAT Benches as laid down vide the Department of Legal Affairs', OM No. 24(2)1 99-judl., OM No. 26(3)99-Judl., OM No. 25(3)/99-Judl., and OM No. 26(2)/9 Judl., all dated 24.09.99, read with OM No-26(1)/2005-Judl. dated 31.01.2008, OM No. 26(1)/2011- Judl., dated 01.10.2011, OM No.23(2)2001-Judl & OM No. 22(02)2001 dated 14.7.2001 and OM 23(2)2011-Judl dated 1.10.2011 shall continue to remain applicable.

C. CGIT and CAT

The fees to be paid to panel advocates of **all CGITs and all CATs** should be at par with the fee structure (considering Ministry of law and Justice OM No. 26(1)/2014/judl. dated 01.10.2015) applicable for Panel Counsel and Central Govt. Counsel/ Pleader of various High Courts (including Panel Counsel of various CAT, Benches), which is as under:-

Table-C

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.	Rs 2250/- per effective hearing, Rs. 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. Valorem/regulation fee (subject to maximum of RS. 45,000/- in a cases)
3.	Company Petitions	To be regulated by the rule contained in Appendix (iii) of the Company (Court) Rules, 1959

Conttd...



Sl. No.	Item of work	Revised fee
4	Drafting of pleading counter affidavits/returns / answer to Writ Petitions/Grounds of Appeal and application for leave to appeal to the Supreme Court	Rs. 1,350/- per pleading
5	Drafting of Civil Misc. Applications to petitions under the Indian Succession Act, Contempt of Court proceedings and other proceeding of an original nature	Rs. 1,125/- per petition
6	Civil Misc. Petitions, forma paupers, transfer petitions and other civil misc. Petitions of routine nature	Rs. 450/- per petition
7	Consultation/ conference fee	Rs. 450/- per conference (subject to maximum of four 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.	Rs. 2,250/- per effective hearing Rs. 450/- per non-effective hearing (subject to a maximum of five hearing in a case). Rs. 450/- per non effective hearing (subject to a maximum of five hearing in a case)

Further all other terms and condition applicable to above panel Counsels in the pre-revised OM No. 24(2)/99-judl, OM No. 26(1)99-judl., OM No. 25(3)99-Judl. and OM No. No. 26(2)/99-Judl. all dated 24.09.99 read with OM No. 26(1)/2005-Judl. dated 31.01.2008 issued by Ministry of Law and Justice shall continue to remain applicable.

D. DISTRICT AND SUBORDINATE COURTS:

The fee structure applicable for counsels empanelled by the Central Board/EPFO, Central Govt Standing Counsel (CGSC), Sr. CGSC, Standing Govt Counsel, Addl. Standing Govt. Counsel for District and Subordinate Courts and District Consumer Forums for such Courts and Forums, will be as under.-

Table-D

Sl. No.	Item of work	Revised fee
1.	Fee for effective hearing	Rs. 1,800 per day
2.	Fee for non-effective hearing	Rs. Six hundred per day (limited to five such hearings in a case)
3	Fee for drafting Written Statement , Grounds of Appeal etc.	Rs. 1,500 per pleading
4.	Fee for drafting other pleadings of misc. nature	Rs. Six hundred per pleading
5.	Fee per conference	Rs. 900 (limited to five such conferences in a case / group of identical cases)

Conttd...

Sl. No.	Item of work	Revised fee
6.	Daily fee for out of Headquarters	Rs. 2,700 per day
7.	Conveyance charges for local journey outside Headquarters	Rs. 900 [lump sum]
8.	Expenses for stay in hotels	Rs. 1,800 per day
9.	Clerkage	@ Ten percent of total fee excluding miscellaneous and out of pocket expenses (maximum Rs. 5,250 in a case)
10.	Fee for identical Cases	Full fee in the first case and Rs. 750 per suit for connected cases (max. 3 cases)
11.	Miscellaneous and out of pocket expenses	As per actuals to the satisfaction of the OI C of RO.

All other terms and conditions applicable to above mentioned Counsels vide Department of Legal Affairs' 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.

E. ARBITRATION CASES:

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

Table-E

Sl. No.	Details of work	Revised Fee
1.	Fee for effective hearing	
	Senior Counsel	Rs. 2,250/- per appearance
	Junior Counsel	Rs. 1,500/- per appearance
2.	Fee for non-effective hearings	
	Senior Counsel	Rs. 450/- per appearance
	Junior Counsel	Rs. 300/- per appearance (maximum four such hearings)
3.	For drafting pleadings	
	Senior Counsel	Rs. 1,500/- per pleading
	Junior Counsel	Rs. 750/- per pleading
4.	Conference Fee	
	Senior Counsel	Rs. 450/- per conference
	Junior Counsel	Rs. 300/- per conference
5.	Daily fee for out of Headquarter	
	Senior Counsel	Rs. 3,000/- per day
	Junior Counsel	Rs. 2,250/- per day



All other terms and conditions applicable to OM Ho. 30(3)/99-Judl. dated 24.09.99 read with OM No. 25(11)/2005/Judl. dated 31.01.2008, shall continue to remain applicable.

GENERAL INSTRUCTIONS:

- i. The revised fee structure is broadly based on the circular bearing No. 26(1)2014/Judl dated 1.10.2015 read in conjunction with the circulars dated 24.9.1999, 1.10.2011 and various clarifications issued by the Department of Legal Affairs, Ministry of Law and Justice, Govt. of India.
- ii. Rates of fee prescribed under Table-C shall also be applicable for items of legal work done by an advocate in connection with a litigation in any other Tribunal(s) or Adjudicatory Forum.
- iii. Fee other than prescribed in this Chapter shall not be allowed unless specifically authorized by competent authority in view of special complexity of the case involving high financial implication and/or important policy matter.
- iv. The Payment to CGSCs/Counsel appearing on behalf of Union of India should not normally be paid by EPFO unless specifically directed by the Central Government.
- v. A claim for fee for attending court hearing will be entertained only if the appearance of advocate(s) engaged (conducting or arguing counsel) in a case is recorded in the Daily Order Sheet related to the hearing. In any case where an advocate claims to have participated in a hearing but his name does not find mention in the related Daily Order Sheet, the onus to prove the participation in the said hearing shall lie with the advocate concerned.
- vi. Claim for drafting/ filing/ settling of pleadings/ petition/ OA/ counter affidavit/ rejoinder/ caveat/ misc. application etc.. will be entertained only when a copy of the filed document is enclosed with the bill.
- vii. Claim for typing and photocopying charges will be restricted to the number of pages in the Petition/Counter Affidavit/Rejoinder/ Misc. Application/ etc.
- viii. A bill in respect of an individual legal case may be presented by an advocate for each item of work (as listed in the table above) as soon as it becomes due without waiting for that legal case to get over. The EPFO office concerned shall process the bills immediately and the payment shall be released within a month of the date of the receipt of bill complete in all respect.
- ix. The phrase "Central Board " or "EPFO" includes its offices and officers and should be construed according to the demand of the context
- x. Identical cases have been explained in OM dated 24.09.1999 of Ministry of Law and Justice, GOI, as follows:
"Two or more cases where substantially identical questions of law or facts are involved and where the main difference is in the names, addresses of the parties concerned, amount of money involved, etc, where the common or identical judgments are delivered irrespective of the fact whether all the cases are heard together or not."
- xi. **Effective Hearing Means:**
A hearing wherein either one or both parties involved in case are heard by the Court is an effective hearing. However, in a hearing if merely a case is mentioned and adjourned or only directions are given or only judgment is delivered by the Court, it would not constitute an effective hearing but will be termed as non-effective hearing.
- xii. In a civil case, a date, on which plaint/ petitioner/ written statements is filed or the issues are framed or a hearing in which witnesses are examined by way of filing of affidavit or otherwise or cross-examination take place, or an important miscellaneous application is argued, or final arguments take place, -is an instance of effective hearing.
- xiii. In a criminal case, a date, where charge or notice, as the case may be, is framed against the accused or hearing wherein recording of testimonies of witness including cross examination or recording of statement of the accused under section 281 of 313 Cr. P.C take place or defense witnesses are examined or argument on any important

miscellaneous application is heard, - is an instance of effective hearing.

- xiv. An empanelled advocate or other legal practitioner to whom a case has been assigned, is bound to attend all hearings in that case whether effective or non-effective.
- xv. Travel out of Headquarters: If a counsel is required to go out of the Headquarters in connection with assigned legal work like for conference with a Senior counsel, appearance in a court outside the Headquarters of his panel etc., he will be entitled to reimbursement of expenses incurred for travel, lodging and boarding at par with a Group A Officer in Junior Administrative Grade (JAG). Any special fee shall be approved by the Competent Authority.
- xvi. The competent authority to approve the legal fee bill shall be as per the Schedule of Financial and Administrative Powers, issued by the Finance Division of EPFO, as amended from time to time. It has also been clarified by Finance Division of Head Office vide its note dated 01.09.2016 that the word used "in each case" refers to recurring expenditure. Hence, the power delegated under item No. 22 may be used for the sanction of the bill amount by the field offices, accordingly.
- xvii. If in a particular case, it is ascertained by the OIC that the best interest of the Social Security or the Central Board/EPFO can be served by engaging an advocate outside the panel (other than senior advocate), the reason for engaging such advocate may be recorded by the officer in charge of the RO concerned and conveyed (through proper channel or the ACC of the Zone concerned, for his/her approval. If an advocate outside the panel is engaged, the fee structure prescribed in the instant circular shall apply to the work done by such advocates as well.
- xviii. An advocate can be engaged from outside the panel of the Central Board/EPFO, against a fee which is higher than that prescribed in the instant circular, if his/her engagement for litigation is considered desirable to protect or promote the best

interest of social security or the Central Board/EPFO. Such an advocate can be engaged only after recording the reason for his/her engagement and after securing the permission of the Competent Authority.

- xix. Any issue, on which this circular is silent or lacks clarity, shall be examined by the ACC (Zone) concerned and in case the ACC (Zone) feels the need for any clarification, the same may be referred to Head Office clearly specifying the point on which clarity is sought.
- xx. The revised rates shall be applicable from the date of issue of communication in that regard.

SENIOR ADVOCATES

Engagement of Senior Advocate shall not be a routine. However, in some matters such as involving prime importance, have huge financial implications, involves challenge to Constitutional or legal validity of Statutory provisions of the Act/Schemes or Gazette Notifications or policy decisions of EPFO or where substantial question of law is involved or any adverse view is being taken in contempt cases against Head of the Organisation or Central Government Officers etc. the services of Senior Advocates become necessary.

'Senior advocate' here means any advocate so designated under subsection (2) of Section 16 of the Advocates Act, 1961 (25 of 1961), and all such advocates whose names were borne on the roll of the senior advocates of the Court immediately before the commencement of Chapter III of the Advocates Act, 1961. Therefor such advocates may be required to be engaged from outside the panel of the Central Board/EPFO, against a fee which is higher than that prescribed in this framework.

If the engagement of a Senior Advocate for a litigation is considered desirable to protect or promote the best interest of social security or the Central Board/ EPFO such an advocate can be engaged after recording the reason and justification and after obtaining the permission of the Central Provident Fund Commissioner or such officer as may be authorized by Central P F Commissioner.



Before the matter is placed before the Central P F Commissioner following may be ensured

- The conducting panel advocate appearing in the matter shall suggest the names of 3-4 Senior Advocates of high repute to defend the matter.
- The willingness of Senior Advocate and Schedule of fess to be charged may be obtained in writing.
- The name of Advocate General/ Solicitor General of India/ASGI may also be suggested and efforts should be to engage them on the fee schedule published by the Ministry of Law and Justice.
- The important case orders/judgement of these proposed Senior advocates/ Advocate General/ Solicitor General of India/ASGI may also form part of the proposal.
- Zonal ACCs shall examine the matter and send the proposal with reasons/ justification and recommendations in the matter. The justification should also contain as to why the conducting advocate will not be able to contest alone in the matter.
- The matter shall be examined by legal division Head Office and shall placed before the Central Provident Fund Commissioner.



ANNEXURE-A

Application form for new advocates

Application No _____ (To be filed by EPFO)

APPLICATION FORM FOR EMPANELMENT FOR HIGH COURT, NCLT, NCLAT, CGIT, CAT, NCDRC, SCDRC, DCDRF, DISTRICT/LOWER COURTS IN EPFO (TO BE FILLED IN BY ALL NEW APPLICANT ADVOCATES -FOR BLOCK YEAR

To,

Regional Provident fund Commissioner (Legal)

Address of Zonal Office

Name (in Block Letter)	
Father's Name	
Court for which applied	

PERSONAL DETAILS (In Block Letters)		
1.	Name in FULL (in block letters)	
2.	Father's/ Husband's Name	
3.	Date of Birth	
4.	Age on (last Date of receipt of application)	
5.	Nationality	
6.	Marital Status	
7.	Address for correspondence with PIN and Phone	
8.	Permanent Address with PIN and Phone	
9.	Address of office/chamber, if any, with PIN and Phone	

10.	Bar Council Enrollment number (please attach a copy)	
11.	Mobile Number (s)	
12.	Email ID:	
13.	Are you related to any EPFO employee? If so, please give details (Viz. Name, Designation, place of work & relationship with the applicant):	

14. Details of Educational qualification (Commencing with the matriculation or equivalent examination)

Examinations Passed	Name of Board/University	Name of institution	Class or division	% of Marks	Subjects	Year of passing
10th /Matriculation						
12 th / Intermediate						
Graduation						
LLB/Law Graduate Degree						
Post-Graduation						
Other Professional Qualifications						

15. 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
1.		
2.		
3.		
4.		

16. 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
1.		
2.		

17. If one or more advocates are associated as juniors of the applicant, their details be provided below: -

SI. No.	Name of the advocate	Enrolment no. with date

18. Infrastructural facilities available with the applicant (please tick if available be provide below:

SI. No.	Office space	Office clerk	Steno/typist	Support staff

19. Number of Cases handled at various judicial forums (last five years)

Name of the Court	Year	Number of cases won	Number of cases lost	Number of remanded back cases	No. of pending cases
Supreme Court					

High Court					
Central Administrative Tribunal					
Others (please specify)					

20. Whether the applicant has been engaged (through Vakalatnama) as counsel in any landmark or mother case? If yes, the particulars of the case with copy of the judgment wherein his/her name is recorded as advocate for one of the parties (Copy of order/judgment be attached as proof): -

Name of the Court	Case title	Nature of Judgment/Brief

21. Details of Bank Account, PAN be provided below: -

Bank Account Details (Bank, Account Number, Address of the branch and IFSC code)	PAN Number	Aadhar Number

22. Annual Income for the last two years.

S.No.	Financial year	Annual Income
1		
2		

23. Whether any proceeding has ever been commenced or is continuing before the Disciplinary Committee of the Bar Council for alleged professional misconduct: -

SI. No.	Details of allegations and Proceedings	Finding made by the Disciplinary Committee.

24. Whether any criminal complaint has ever been filed or FIR registered or any criminal proceeding has ever commenced against the applicant advocate: -

SI. No.	Details of allegations and Proceedings	Finding made by the Court

25. Any additional professional qualification(s), which will further the candidature, including membership of professional societies, awards and honours etc. may be listed in the box below. (Documentary proofs may be attached):

--

26. DOCUMENTS TO BE ENCLOSED:

- a. **Copy of Law Degree and other qualifications;**
- b. **Copy of Registration Certificate Issued by the Bar Council;**
- c. **Copy of Identity Card issued by the Bar Association;**
- d. **Copy of ID Proof;**
- e. **Copies of 10 judgments where the Advocate has appeared as pleader;**
- f. **Copies of Empanelment Letter issued by other Authorities/entities in favour of the Advocate;**
- g. **Resume' with a brief profile of experience, background, education, list of clients and nature of cases dealt with;**
- h. **Two recent coloured passport size photographs;**
- i. **Copy of Income Tax Returns for last two financial years.**

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 EPFO as required under the Act, Rules and Regulations thereunder.
3. I also undertake to abide by the terms and conditions of engagement.
4. I also undertake to return all case files and records to the EPFO as and when required by EPFO.
5. I agree with the Fee Schedule notified by EPFO.

Signature of Advocate

Enrolment Number: _____

Mobile Number: _____

Place: _____

Date: - _____

ANNEXURE-B

Application format for existing advocates

APPLICATION NO _____ (To be filled by EPFO)

To,

Regional Provident fund Commissioner
(Legal)

Address of Zonal Office

INFORMATION SHEET (To be filled in by existing Panel advocates and applying for fresh Empanelment- FOR BLOCK YEAR

1. Name of the Panel Advocate: _____

2. Bar Council Enrolment Number and date of registration (Please attach a copy)

3. Presently Empanelled for Supreme court/High Court /CGIT/ NCLT/ NCLAT/ CAT/ NCDRC/SCDR/ DCDRF/ DISTRICT/LOWER COURTS _____

4. Duration in the Panel: -

5. Court for which applied for:

6. No. of cases handled (EPFO) (Last 2 years): -

Name of the Court	Year	No. of Cases assigned (opening balance)	No. of fresh cases allotted	No. of cases won	No. of Cases lost	No. of remanded back cases	No. of Pending cases (closing balance) (As on date)
Supreme Court							
High Court							

Central Administrative Tribunal							
Others (please specify)							

7. Annual Income for the last two years.

S.No.	Financial year	Annual Income
1		
2		

8. Whether any proceeding has ever been commenced or is continuing before the Disciplinary Committee of the Bar Council for alleged professional misconduct: -

SI. No.	Details of allegations and Proceedings	Finding made by the Disciplinary Committee.

9. Whether any criminal complaint has ever been filed or FIR registered or any criminal proceeding has ever commenced against the applicant advocate: -

SI. No.	Details of allegations and Proceedings	Finding made by the Court

10. Name and Designation of relatives/spouse in EPFO

S.No.	Name of the relative in EPFO and his/her Place of posting & designation	Relation

11. Details of oldest pending with the advocate: -

12. Special achievements, if any (please add page if required)

13. Remarks of applicant advocate, if any_____

UNDERTAKING

- A. 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.
- B. I also undertake to maintain absolute secrecy about the cases of the EPFO as required under the Act, Rules and Regulations thereunder.
- C. I also undertake to abide by the terms and conditions of engagement.
- D. I also undertake to return all case files and records to the EPFO as and when required by EPFO.
- E. I agree with the Fee Schedule notified by EPFO.

Signature of Advocate

Enrolment Number: _____

Mobile Number: _____

Place: _____

Date: - _____