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## EMPLOYEES' PROVIDENT FUND ORGANISATION

Bhavishyanidhi Bhawan

Ministry of Labour & Employment, Government of India

REGIONAL OFFICE: ORISSA

BHAVISYANIDHI BHAWAN, UNIT-9, JANPATH, BHUBANESWAR - 751022

Lr.No.OR/LC/Panel Advocate/2017/ 2787

Date: 19.7.17

### NOTICE INVITING APPLICATION FOR EMPANELMENT OF ADVOCATES

Employees' Provident Fund Organisation on behalf of the Central Board- Employees' Provident Fund a statutory body under Ministry of Labour & Employment Govt. of India is in the process to engage Panel Counsel(s) to represent the Central Board, EPF before various judicial Forums i.e. CAT, Cuttack Bench, High Court – Orissa, , State Consumer Disputes Redressal Commission, Orissa and Central Govt.Industrial Tribunal at Bhubaneswar, District Consumer Forums of different districts i.e. Balasore, Bhadrak, Jajpur, Kendrapara, Jagatsinghpur, Cuttack, Angul Dhenkal, Puri, Khurda, Nayagarh, Bolangir & Subarnpur, District Courts & Lower Courts of the above mentioned districts.

The practising 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, they may also apply afresh in response to this notice.

Eligible practising 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, Orissa  
Employees' Provident Fund Organisation,  
Bhavishyanidhi Bhawan, Unit-IX,  
Janpath, Bhubaneswar-751022, Orissa.

"Application for empanelment of Advocates".

The last date of receiving Applications in the prescribed format along with supporting documents is 31.07.2017 till 16:00 hours.

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

## **:GUIDELINES FOR EMPANELMENT OF ADVOCATES:**

Following guidelines are designed to provide and regulate the manner and procedure for empanelling the advocates to represent and assist EPFO before various courts and for regulating the referrals of the case and payment of fee / remuneration. These guidelines shall supersede all existing instructions in this regard, if any, and is subject to change without assigning any reason.

### **1. Eligibility of Empanelment:-**

Before filling the application form, the candidates are advised to carefully read and follow the eligibility criteria, instructions and terms & conditions for empanelment of Advocates in EPFO mentioned herein below:-

- i. Be enrolled / registered as an advocate with the State Bar Council.
- ii. Have a minimum, relevant experience of 10 (Ten) years of handling Civil, Service, Labour matters, Arbitration matters and other cases before the court with a fair knowledge of Labour Laws with special reference to Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (E.P.F. and M.P. Act,1952).

### **2. Tenure of Empanelment: -**

The initial empanelment will be for the period of 2 (two) years i.e. for the Block year 2017-19 (upto 31.03.2019).Performance of empanelled advocates shall be reviewed at regular interval for continuance in the panel of Advocate.

### **3. Payment of Fee and other conditions:-**

- i. The fee payable to the advocates shall be governed by the Schedule of fee annexed as Annexure "C" with these guidelines as amended from time to time.
- ii. The Competent Authority 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 empanelled.



#### 4. Procedure for Empanelment:-

- a. The applicant advocate must apply on the format prescribed by the EPFO only. No other format will be entertained.
- b. An applicant advocate willing to be empanelled for more than one forum may apply separately for each forum.
- c. Any application received after the last date prescribed in the advertisement shall not be entertained.
- d. No applicant advocate shall be called for interview / interaction unless he / she satisfies the eligibility conditions and is shortlisted for the same.
- e. Depending upon the requirement and number of applications received, EPFO reserves the right to shortlist the candidates to be called for interview /interaction and to be empanelled.
- f. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for interview / interaction and to be selected.
- g. The decision of the competent authority regarding short listing and selection of the candidates shall be final.
- h. Canvassing in any form shall be treated as a disqualification. The candidature of such applicants shall be cancelled forthwith.
- i. A list of shortlisted applicant advocates with the date, time and venue of interview will be uploaded on our website i.e. [www.epfindia.gov.in](http://www.epfindia.gov.in)
- j. The applicant advocate shall bring original documents at the time of interview for verification.
- k. The list of selected advocates will be made available on EPFO website [www.epfindia.gov.in](http://www.epfindia.gov.in) Letter to applicant advocates confirming their empanelment will be issued by EPFO separately.

## 5. Duties of the Empanelled Advocates:

- a. The Advocate shall not advise any party or accept any case against the EPFO in which he / she has appeared or is likely to be called upon to appear for or advise which is likely to affect or lead to litigation against EPFO.
- b. Timely appearance of the advocate 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.
- c. 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 brief / copy of petition alongwith assignment letter from the concerned office of EPFO at the earliest.
- d. EPFO is free to engage any advocate of its own choice and an empanelled advocate shall make no claim that he / she alone should be entrusted with EPFO's legal matter(s).
- e. 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.
- f. The advocate shall accept the terms and conditions of empanelment as determined by EPFO from time to time.
- g. In order to ensure that there is effective check on the cases being conducted, the advocates on panel must report status of each case after each date of hearing. Failure to submit status report will be a ground for removal of the advocate concerned from the panel.
- h. 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 & and Employment.
- i. If required, the advocate shall render all assistance to Special or Senior Counsel engaged in a particular case before the CAT - Cuttack Bench, High Court – Orissa and other judicial fora.
- j. The advocate shall keep EPFO informed and updated on important developments in the assigned cases, dates of hearing, orders of the court (on the date of its pronouncement), supplying copy of orders/judgment etc.



- k. The advocate shall furnish monthly statement about the cases represented by him/her before the CAT(Cuttack Bench), High Court (Orissa), DCDRF(Orissa), SCDRC (Orissa) or any other authority and their outcomes.
- l. When any case attended by him/her is decided against the Organisation, 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 (five) working days of the order (kuchha copy).
- m. 30% of the fees payable to the advocate 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.

**6. Removal from Panel:-**

EPFO 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 resign from the Organisation by serving one month's notice.

Empanelment is liable to be cancelled due to occurrence of any of the following on part of the advocate:-

- i. Giving false information in the application for empanelment,
- ii. Failing to attend 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 EPFO's employees, officers or representatives,
- v. Passing on information relating to EPFO's case on to opposite parties or their advocates or any third party which is likely to cause any damage to EPFO's interest,
- vi. Giving false or misleading information to EPFO relating to the proceedings of the case,
- vii. Seeking frequent adjournments or not objecting to adjournments moved by other party without sufficient reason,
- viii. Frequent absence from court proceedings even if "pass over" or "proxy" is obtained by an advocate.

  
(C.S.SANJAY MISRA)

Regional P.F.Commissioner-1 (Odisha)

- Copy to:-1. Notice Board, EPFO, Regional Office, Bhubaneswar.  
2. President, State Bar Council, High Court of Orissa, Cuttack/ALL District Court Bar Councils.  
3. Website of EPFO. - EPP  
4. Asst.P.F.Commissioner (Adm.) with a request to publish the matter in a prominent News Daily of the State as a Press Note.

  
(C.S.SANJAY MISRA)

Regional P.F.Commissioner-1 (Odisha)

APPLICATION NO.....(To be filed by EPFO)

**APPLICATION FORM FOR EMPANELMENT IN EPFO  
(TO BE FILLED IN BY ALL APPLICANT ADVOCATES)**

To

Regional Provident Fund Commissioner-I, Orissa  
Employees' Provident Fund Organisation,  
Bhavishyanidhi Bhawan, Unit-IX,  
Janpath, Bhubaneswar-751022, Orissa.

Telephone: 0674 - 2542166

Name (in Block Letter)	
Father's name	
Court for which applied	
List of documents attached (please ✓)	
Copy of all certificates & mark -sheets (Xth onwards)	
Experience Certificate	
Duly filled Annexure A & B	
Others (Please specify): 1.	
2.	

PERSONAL DETAILS ( IN BLOCK LETTERS)	
1	Name in full
2	Father's / Husband's name
3	Date of Birth
4	Age on 15.07.2017
5	Nationality
6	Marital status
7	Address for correspondence with PIN and phone nos.
8	Permanent address with PIN and Phone nos.
9	Address of office / chamber, if any with PIN and phone nos.
10	Mobile number (s)
11	e-mail ID:
12	Are you related to any EPFO employee? If so, please give details (viz. Name, Designation, Place of work & relationship with the applicant):



13. Details of Educational qualification (Commencing with Matriculation or equivalent examination):

Examinations passed	Name of the Board / University	Class or Division	% of Marks	Subjects	Year of passing
10 <sup>th</sup> / Matriculation					
12 <sup>th</sup> / Intermediate					
Graduation					
LLB / Law Graduate Degree					
Post Graduation					
Other Professional Qualifications					

14. 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.		

15. 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.		

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

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

17. Infrastructural facilities available with the applicant be provided below (please tick (✓) if available) :-

Office space	Office clerk	Steno / typist	Support staff	Laptop printer/ facility	/Desktop/ Broadband	Computer internet

18. No. of cases relating to EPF and MP Act'1952, if handled earlier:-

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

19. 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

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

21. Details of Bank Account / Aadhar Number be provided below:-

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

22. Whether any proceeding has ever been commenced 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.

23. 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

24. Any additional professional qualifications(s), which will further the candidature, including membership of professional societies, awards and honours etc. maybe listed in the box below (Documentary proof should be attached):-

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## 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 information furnished by me is found to be false / incorrect, my candidature for empanelment will be treated as cancelled and matter will be referred to the appropriate authority for necessary action.
- 2). I also undertake to maintain absolute secrecy about the cases of EPFO as required under the relevant Act, Rules and Regulations.
- 3). I also undertake to return all case files and records to EPFO as and when required by EPFO.
- 4). I agree with the Fee Schedule notified by EPFO.

Signature of Advocate

Enrolment Number

Mobile Number

Place:

Date:

APPLICATION NO. ....(To be filed by EPFO)

**ADDITIONAL INFORMATION SHEET****(To be filled in by existing panel advocates applying for fresh empanelment)**

1. Name of the Panel advocate: .....
2. Empanelled for CAT – Cuttack Bench, High Court – Orissa, District Consumer Disputes Redressal Forum(DCDRF), Orissa, State Consumer Disputes Redressal Commission(SCDRC), Orissa, Lower Courts of Orissa like J.M., A.C.J.M., C.J.M., S.D.J.M., District & Sessions Court etc and Central Government Industrial Tribunal (CGIT) at Bhubaneswar.

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3. Duration in the panel .....
4. Total number of cases allotted .....
5. No. of cases Decided:.....

In favour (case title)	Against (case title)	Remanded back (case title)

6. No. of cases pending: .....
7. Details of oldest pending with the advocate:.....
8. Special achievements, if any: .....
9. Remarks of applicant advocate, if any .....

(Signature and name of the applicant)

Place:

Date: