



क.रा.बी.नि.  
**ESIC**

କର୍ମଚାରୀ ରାଜ୍ୟ ବୀମା ନିଗମ  
(ଶ୍ରମ ଏବଂ ଚୋରଗାର ମନ୍ତ୍ରାଳୟ, ଭାରତ ସରକାର)  
କର୍ମଚାରୀ ରାଜ୍ୟ ବୀମା ନିଗମ  
श्रम एवं रोजगार मंत्रालय, भारत सरकार  
EMPLOYEES' STATE INSURANCE CORPORATION  
Min of Labour & Employment, Govt. of India



सत्यमेव जयते

ଶେଷତୀୟ କାର୍ଯ୍ୟାଳୟ/ କ୍ଷେତ୍ରୀୟ କାର୍ଯ୍ୟାଳୟ/ REGIONAL OFFICE  
ପଞ୍ଚଦୀପ ଭବନ, ଜନପଥ, ୟୁନିଟ୍-୯, ଭୁବନେଶ୍ୱର-୨୨  
पंचदीप भवन, जनपथ, युनिट-9, भुवनेश्वर-22  
PANCHDEEP BHAWAN, UNIT-9, BHUBANESWAR-22  
E-mail: rd-orissa@esic.nic.in Phone: 0674-2546380  
website: www.esic.gov.in

**NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF ADVOCATES TO REPRESENT ESIC, REGIONAL OFFICE, BHUBANESWAR BEFORE FOLLOWING COURTS FOR THE YEAR 2024-2027.**

01	HIGH COURT of ORISSA
02	CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH
03	STATE CONSUMER DISPUTE REDRESSAL COMMISSION
04	ANGUL
05	BALASORE
06	MAYURBHANJ at BARIPADA
07	GANJAM at BERHAMPUR
08	BHADRAK
09	CUTTACK
10	DHENKANAL
11	GAJAPATI
12	JAGATSINGPUR
13	JAJPUR
14	KANDHAMAL
15	KENDRAPADA
16	KEONJHAR
17	KHURDHA at BHUBANESWAR
18	NAYAGARH
19	PURI
20	RAYAGADA

Employees' State Insurance Corporation (ESIC), a statutory body under Ministry of Labour and Employment, Government of India, intends to empanel Advocates for representing ESIC, Regional Office, Bhubaneswar before various Courts in legal matters relating to it. The cases will be assigned to the Advocates on case to case basis and they would be required to conduct the cases to it's finality.

The Advocate would be on the panel ordinarily for a period of three years and may continue with the cases allotted to him even beyond three years unless terminated before three years. He may be removed from the panel earlier than the time stipulated on immediate notice to Advocates without assigning any reason thereof.

The practising Advocates who are registered with Bar Council of India/ State Bar Council are eligible for empanellment. The Qualification, Experience, Schedule of fees, other terms and conditions and the application format in which the application has to be made, are available at ESIC website <https://www.esic.gov.in>>recruitment.

The Advocates who are on the existing panel of ESIC, RO-Bhubaneswar, have to apply afresh as they shall cease to be on the panel after the new panel is finalised as per this current notice.

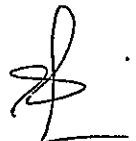
Eligible practising Advocates who are not in the existing panel of ESIC, RO-Bhubaneswar, may submit the application in the format at Annexure- 'A'. The Advocates who are on the existing panel of ESIC, RO-Bhubaneswar, should apply afresh in the format at Annexure- 'B'. Applicants willing to apply for more than one Court need to apply separately.

Duly filled in application in prescribed format along with all supporting documents is to be sent by the applicants to the under mentioned address by superscribing "APPLICATION FOR THE EMPANELMENT OF ADVOCATES FOR HIGH COURT OF ORISSA, CAT CUTTACK BENCH, NATIONAL CONSUMER FORUM/ VARIOUS OTHER COURTS IN ODISHA".

Regional Director,  
Employees' State Insurance Corporation,  
Regional Office, Panchdeep Bhawan,  
Plot No. C, Janpath, Unit-IX,  
Bhubaneswar, Odisha-751022.  
Tel : 0674-2546380

The last date of receipt of application in ESIC, Regional Office, Bhubaneswar in the prescribed format is **22/07/2024 till 17:00 hrs.**

The application for empanelment with ESIC does not confer any rights/assurance of any kind that they will be empanelled on the ESIC panel. The list of selected Advocates will be made available in the website [www.esic.gov.in](http://www.esic.gov.in). Letters to Advocates confirming their empanelment will be issued by ESIC separately.



**APPLICATION FORM FOR EMPANELMENT IN ESIC  
(TO BE FILLED IN BY NEW ADVOCATES)**

Application No. \_\_\_\_\_ (to be filled by ESIC)

To,

The Regional Director,  
Employees' State Insurance Corporation,  
Regional Office,  
Plot No.C, Unit-IX,  
Janpath, Bhubaneswar-751022.

PHOTO

<b>COURT FOR WHICH APPLYING :</b>	
<b>PERSONAL DETAILS (in BLOCK letters)</b>	
1.	Name in full
2.	Enrollment Number with date (copy to be attached)
	Advocate-on-record Reg. No (copy to be attached)
3.	Father/Husband's Name
4.	Mother's Name
5.	Date of Birth
6.	Nationality
7.	Marital Status
8.	Address for Correspondence with PIN and Phone number
9.	Permanent address with PIN and Phone Number
10.	Address of office (if any) with PIN and Phone number
11.	Mobile Number(s)
12.	E-mail Id
13.	Is the applicant related to any ESIC employee ?
	If Yes, please provide details. (Viz. Name, Designation, Place of posting & relation with applicant)



14. Details of Educational Qualification (Starting with matriculation or equivalent examination.)

Examination passed	Name of Board/ University	Name of institution	Class or Division	% age of marks	Subjects	Year of passing
10th/ Matriculation						
12th/ Intermediate						
Graduation						
LLB/Law Degree						
Post- Graduation						
Other professional qualification						

15. Whether the applicant is currently on the Panel of any other Government Department/ PSU/ Statutory Body/Autonomous body etc.. If Yes, please provide details (self certified copy of the Office order/letter of empanelment to be attached)

	Name of the Department/ PSU/ Statutory/ Autonomous Body	Period from	Valid up-to
1.			
2.			
3.			

16. Whether the applicant has worked as Legal Researcher (LR) attached to any Court/Judge ? If Yes, please provide the details and supporting documents :

	Name of the Court/Judge	Period of Research	Supporting documents
1.			
2.			
3.			

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

Sl. No.	Name of the Advocates	Enrolment Number with date
1.		
2.		
3.		



18. Infrastructural facilities available with the applicant ( Please ✓ if applicable) :

Office space (Address, Location, Owned/Leased	Office Clerk	Stenographer/ Typist	Support Staff

19. Number of cases handled at various Judicial Fora (last five years) :

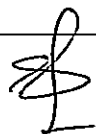
Name of the Court	Year	No. of cases handled/ admitted	No. of cases decided in favour	No. of cases decided against	No. of cases remanded back	No. of pending cases
High Court of Orissa	2019					
	2020					
	2021					
	2022					
	2023					
Central Administrative Tribunal	2019					
	2020					
	2021					
	2022					
	2023					
Others (please specify)	2019					
	2020					
	2021					
	2022					
	2023					

20. Whether the applicant has been engaged (through Vakalatnama) as Counsel in any landmark case(s) ? 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 the order/judgement be attached as proof) :

Name of the Court	Case title	Nature of Judgement in brief

21. Details of Bank Account Details, PAN and AADHAAR Number :

Bank Account details (Bank, Branch, Address Account Number, IFSC & MICR Code)	PAN Number	AADHAAR Number



22.

A. Annual Income for the last three years:

Sl. No.	Financial year	Annual Income (₹)	Professional income from legal practices (₹)
1.			
2.			
3.			

B. If Income Tax return is being filled for the last three years ? Yes/ No. (If Yes, please attach copy of ITRs)

23. Whether any proceedings has ever been commended 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

24. Whether any criminal complaint has ever been filed of 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

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

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26. DOCUMENTS TO BE ENCLOSED :

- i. Copy of Law Degree and other qualifications.
- ii. Copy of Registration Certificate issued by the Bar Council.
- iii. Copy of the Identity Card issued by the Bar Association.
- iv. Copy of photo identity proof.
- v. Copy of Advocate-on-Record registration.
- vi. Copies of 10(ten) judgements where the Advocate has appeared as pleader.
- vii. Copies of Empanelment letter issued in favour of the Advocate.
- viii. Copies of bank account details.
- ix. Copies of Income Tax Returns for the last three years.
- x. Resume with a brief profile of experience, back ground, education, list of clients and nature of cases dealt with.
- xi. Two recent passport sized photographs.

**UNDERTAKING**

1. I do hereby confirm and declare that the information furnished in the application and in the attached Certificates 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 return all case files and records to ESIC as and when required by ESIC.
4. I agree with the fee schedule notified by ESIC.
5. I also undertake to abide by the terms and conditions of engagement.

Signature of the Advocate :

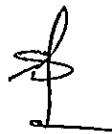
Enrollment No. :

AoR Registration No. :

Mobile Number :

Place :

Date :



**APPLICATION FORM FOR EMPANELMENT IN ESIC  
(TO BE FILLED IN BY EXISTING EMPANELLED ADVOCATES)**

Application No. \_\_\_\_\_ (to be filled by ESIC)

To,

The Regional Director,  
Employees' State Insurance Corporation,  
Regional Office,  
Plot No.C, Unit-IX,  
Janpath, Bhubaneswar-751022.

PHOTO

<b>COURT FOR WHICH APPLYING :</b>	
<b>PERSONAL DETAILS (in BLOCK letters)</b>	
1.	Name of the Panel Advocate
2.	Advocate-on-Record Reg. No (copy to be attached)
3.	Empanelled for (Please ✓)
4.	Duration of Panel
5.	Father/Husband's Name
6.	Date of Birth
7.	Marital Status
8.	Address for Correspondence with PIN and Phone number
9.	Permanent address with PIN and Phone Number
10.	Address of office (if any) with PIN and Phone number
11.	Mobile Number(s)
12.	E-mail Id
13.	Is the applicant related to any ESIC employee ?
	If Yes, please provide details. (Viz. Name, Designation, Place of posting & relation with applicant)





14. Number of cases handled in ESIC (last three 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 cases remanded back	No. of pending cases (as on 01.01.2024)
High Court of Orissa	2021						
	2022						
	2023						
Central Administrative Tribunal	2021						
	2022						
	2023						
Others (please specify)	2021						
	2022						
	2023						

15. A. Annual Income for the last three years:

Sl. No.	Financial year	Annual Income (₹)	Professional income from legal practices (₹)
1.			
2.			
3.			

B. If Income Tax return is being filled for the last three years ? Yes/ No. (If Yes, please attach copy of ITRs)

16. Whether any proceedings has ever been commended 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

17. Whether any criminal complaint has ever been filed of 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

18. Details of cases pending in the Court assigned to the Advocates :

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19. Special achievements, if any (please add pages, if required) :

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20. Any additional information of applicant advocate, if any :

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21. DOCUMENTS TO BE ENCLOSED :

1. Copy of Registration Certificate and Identity Card issued by the Bar Association.
2. Copy of Law Degree and other qualifications.
3. Copy of Advocate-on-Record registration.
4. Copies of last Empanelment letter issued from ESIC in favour of the Advocate.
5. Copies of Income Tax Returns for the last three years.
6. Two recent passport sized photographs.

### UNDERTAKING

1. I do hereby confirm and declare that the information furnished in the application and in the attached Certificates 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 return all case files and records to ESIC as and when required by ESIC.
4. I agree with the fee schedule notified by ESIC.
5. I also undertake to abide by the terms and conditions of engagement.

Signature of the Advocate :

Enrollment No. :

AoR Registration No. :

Mobile Number :

Place :

Date :

**GUIDELINES AND TERMS AND CONDITIONS FOR  
EMPANELMENT OF ADVOCATES FOR ESIC, REGIONAL OFFICE, BHUBANESWAR**

ESIC defends its cases through its panel of advocates. It is supremely important that the legal cases of ESIC are properly defended. In order to defend the cases properly, it is necessary to have good panel Advocates, capable of presenting the cases in an effective manner before the courts. The panel advocates for High Courts of Orissa, CAT-Cuttack Bench, NCF and various other court cases are appointed by ESIC, Regional Office, Bhubaneswar, with the approval of the Regional Director, ESIC, Regional Office, Bhubaneswar.

The Advocate will be empanelled for conducting cases in which ESIC, RO, Bhubaneswar is party.

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

**1. GENERAL**

- i. In order to effectively defend the cases before various legal fora, ESIC has its own set of panel advocates. The schedule of fees payable to them shall be as prescribed by ESIC.
- ii. Empanelment will only confer a right to be considered for legal work, if any, and not bind ESIC to award or give work to any Advocate, so empanelled, at any point of time during the term of engagement.
- iii. The allocation of cases shall be at the sole discretion of Officers so authorised by ESIC.
- iv. Upon termination or non-renewal of term of empanelment, as the case may be, the Advocates shall return the brief(s) allocated to the Advocate by ESIC along with all other documents/records connected thereto with no objection certificate, if so required. No Advocate shall have the right to represent ESIC 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 empanelled 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 ESIC, if required.
- vii. 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 Advocates shall represent himself as the standing Advocate of ESIC before any court or forum unless specified as such by ESIC.
- viii. The Advocate shall ensure efficient and effective professional services and bestow commensurate attention in relation to matters of ESIC 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 ESIC, shall not act without instructions of ESIC and inform ESIC about the proceedings of each hearing by reporting mail and furnish copy of orders of each date without which ESIC may not settle bills of payment.



- x. 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.
- xi. 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.
- xii. 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.
- xiii. Refusal of any empanelled Advocate to take up a matter on behalf of ESIC, without proper justification or grounds, shall entail cancellation/withdrawal of engagement.
- xiv. 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.
- 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 applications of Advocates shall be shortlisted on such basis as may be decided by ESIC. The shortlisted Advocates may be called for further interaction before finalization of their empanelment. No TA/DA will be admissible for attending such interaction.
- xvii. 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.
- xviii. If required and considered appropriate by the Competent Authority, Attorney General of India / Solicitor General of India/ Additional Solicitor General/ Advocate General/ Designated Senior Advocate may be engaged to argue the cases on behalf of ESIC keeping in view the importance of the matter. The Competent Authority in these cases shall be the Regional Director, ESIC, RO-Bhubaneswar or any officer so authorized by Regional Director, ESIC, RO-Bhubaneswar.
- xix. An Advocate can be engaged from outside the panel of the ESIC Bhubaneswar Office, against a fee which is higher than that prescribed by ESIC, if his/her engagement for litigation is considered desirable to protect or promote the best interest of ESIC. Such an Advocate shall be engaged after recording the reasons for his/her engagement and after securing the permission of the Director General, ESIC.

## 2. ELIGIBILITY CRITERIA FOR EMPANELMENT

- i. The Advocate should have a Bachelor Degree in Law from a recognized University in India.
- ii. The Advocate should be enrolled/ registered as an advocate with a Bar Council of India/ State Bar Council.
- iii. The Advocates applying for empanelment in High Court are required to have the minimum professional/court practice experience of at least 10 years in High Court as on 31.12.2023.
- iv. The Advocates applying for empanelment in CAT and Various Other Courts/ Tribunals are required to have the minimum professional/ court practice experience of minimum 10 years in High Court, CAT and Various Other Courts/ Tribunals.



v. However, the Regional Director, ESIC, RO-Bhubaneswar may relax the experience or prescribe any other additional qualification or condition as may be deemed fit.

### 3. TENURE OF PANEL

In the interest of continuity and stability, ordinarily the panel shall be constituted for a period of 03 (three) 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 before the expiry of the existing panel. For any reason if a panel is re-constituted before the expiry of the existing panel, the existing panel shall continue till the new panel is constituted so that the on-going litigations are not affected. Tenure of the existing panel can also be extended till such time the new empanelment is completed and it shall be obligatory on the existing empanelled Advocates to continue to provide professional legal service during the extended term.

### 4. SIZE OF PANEL

- i. In order to effectively and closely monitor the Advocates, there is a need to fix the limit on the size of the panel. Further, there is also a need for fixing the limit of cases per advocate so that all the advocates get proportionate work. However, for the best performing advocates, relaxation can be made by the Regional Director, ESIC, RO-Bhubaneswar.
- ii. The size of the panel shall be so decided that one Advocate is allocated around 20-30 cases the workload. However, for reasons to be recorded and based on good performance of an advocate, additional cases can be assigned with the approval of Regional Director, ESIC, RO-Bhubaneswar. The maximum size of panel should not exceed 5 advocates and minimum 2 advocates.

### 5. PAYMENT OF FEE AND OTHER CONDITIONS

- i. The fee payable to the Advocates shall be as prescribed by ESIC vide OM No. T-11/12/2/2016- Legal dated 02.01.2017 and 01.05.2019 for panel Advocates and Law Officers respectively.
- ii. No retainer fee shall be paid to any panel Advocate merely because such advocate has been empanelled.

### 6. LEGAL OPINION

- i. If Legal Opinion in a case is sought from the Empanelled Advocates, an amount Rs. 1200.00 will be paid for the cases in which the concerned Advocate is not engaged.
- ii. In cases, where the Advocate is engaged to the case, related to which the Legal Opinion is sought, No extra fee will be paid.

### 7. OUT OF HEADQUARTERS

- i. If the Advocate is required to go out of Headquarters in connection with appearance in a Court outside the Headquarters, he will be entitled to a daily fee of ₹ 1200/- per day for the days of his absence from the Headquarters including the day of departure from intervening holidays and arrival back at the Headquarters. But no fees will be paid for the day of departure if he/she leaves the Headquarters after Court hours and for the day of arrival if he/she arrives at the Headquarters before Court hours.



- ii. The Advocate will be entitled to travel expenses for travel by air (economy class) or first class by train or road mileage for the journey from his headquarters to the place of his/her stay out of Headquarters. He/she will also be paid a lump sum amount of ₹ 300/- as conveyance charges for performing local journey while outside the Headquarters in addition to a reasonable actual expenses for stay in Hotel, subject to a maximum of ₹600/- per day.

#### 8. GENERAL PROCEDURE FOR EMPANELMENT

- i. The applicant advocate must apply in such form/format as may be prescribed by ESIC. No other form/format will be entertained.
- ii. Any application received after the last prescribed date in the advertisement shall not be entertained.
- iii. Depending upon the requirement and number of applications received, ESIC reserves the right to shortlist the candidates to be called for interview/interaction and to be empanelled.
- iv. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for interaction and to be selected.
- v. The decision of ESIC regarding short-listing and selection of the candidates shall be final.
- vi. Canvassing in any form shall be treated as disqualification. The candidature of such applicants shall be rejected forthwith.
- vii. The date-time, venue and mode of interview/interaction shall normally be communicated by E-mail or letter.
- viii. The applicant advocate shall bring original documents at the time of interaction.
- ix. The list of selected advocates will be made available in public domain by ESIC at [www.esic.gov.in](http://www.esic.gov.in). The applicant advocates selected for empanelment may be issued electronic or written communication by ESIC separately.

#### 9. DOCUMENTS TO BE SUBMITTED BY THE ADVOCATE

The Advocates will be required to furnish following documents along with the application form :

- i. Copy of Law Degree and other qualifications.
- ii. Copy of Registration Certificate issued by the Bar Council.
- iii. Copy of the Identity Card issued by the Bar Association.
- iv. Copy of photo identity proof.
- v. Copy of Advocate-on-Record registration.
- vi. Copies of 10(ten) judgements where the Advocate has appeared as pleader.
- vii. Copies of Empanelment letter issued in favour of the Advocate.
- viii. Copies of bank account details.
- ix. Copies of Income Tax Returns for the last three years.
- x. Resume with a brief profile of experience, back ground, education, list of clients and nature of cases dealt.
- xi. Two recent passport sized photographs.

#### 10. SELECTION PROCEDURE

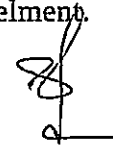
There shall be a committee for short listing of new applicants based on the documents, profile and performance of the Advocates, recommending the finalised panel of Advocates for selection of empanelment. The members of committee shall be nominated by the Regional Director, ESIC, RO-Bhubaneswar.



## 11. DUTIES OF EMPANELLED ADVOCATES

- i. The Advocate shall not advise any party or accept any case against ESIC in which he/she appeared or is likely to be called upon to appear or advise which is likely to affect or lead to litigation against ESIC.
- ii. Timely appearance of the Advocate to contest the cases for ESIC in the Court is a must and his/her absence in the Court will not be accepted.
- iii. ESIC 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 ESIC at the earliest.
- iv. ESIC is free to engage any advocate of its own choice and an empanelled Advocate shall make no claim that he/she alone would be trusted with ESIC'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 ESIC 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 de-empanelment.
- 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, the empanelled Advocate of ESIC shall render all assistance to Special or Senior Advocate engaged in particular cases before various Courts. If required, the advocates may be assigned matters to defend interest of ESIC before various legal fora within/ out-side the jurisdiction of Regional Office, Bhubaneswar.
- x. It shall be the responsibility of the empanelled Advocates to keep ESIC informed and updated on all important developments in the designated cases, dates of hearing, drafting, filing of papers, communicating the order of the court on the date of its pronouncement, supplying copy of orders/judgment etc. along with his/her legal opinion so as to enable ESIC to proceed further.
- xi. The Advocate's opinion would be in an input for ESIC's decision making. In case(s), Advocate's opinion turns out to be untrue and factually incorrect, causing loss to ESIC, clarifications may be sought as may be required to investigate the matter and fix the responsibility by recommending the Advocate for inclusion in the caution list of Bar Association.
- xii. Furnish monthly statement about the cases represented by him/her before the various Courts and their outcomes.
- xiii. When any case attended by him/her is decided against the Corporation, the Advocate concerned must give considered opinion regarding the reasons for such adverse order and the advisability of filing an appeal from such a decision in a period not later than 5 (five) working days of the order.

## 12. 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 empanelled Advocate of ESIC.
  - ii. An Advocate shall not advise any party or accept any case against ESIC during empanelment.
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- iii. If the Advocate happens to be Partner of a firm of Lawyers or Solicitors; it will be incumbent on the firm not to take up any case against ESIC in any courts or any case arising in other courts out of any Appeal/Revision in Supreme Court or High Court or other courts or tribunals.

**13. CANCELLATION OF EMPANELMENT**

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 ESIC's instructions or going against specific instructions;
- iv. Threatening, intimidating or abusing any of the ESIC's Employees, Officers or representatives;
- v. Passing on information relating to ESIC's case on to the opposite parties or their advocates or any third party which adversely affects ESIC's interests;
- vi. Giving false or misleading information to ESIC relating to the proceedings of the case;
- 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 "Passover" or "proxy" is obtained by an advocate;
- ix. Poor performance of the panel Advocate as assessed by ESIC, RO-Bhubaneswar;

Further, ESIC reserves the right to terminate the empanelment of 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.

**14. 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 ESIC shall be final.

**15. RELAXATION OF ANY TERMS AND CONDITIONS**

Regional Director, ESIC shall have the power to relax any terms and conditions prescribed.

