

for Web Circulation



कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour & Employment, Govt. of India)
मुख्य कार्यालय / Head Office
भविष्य निधि भवन, 14-भोकाजी कामा प्लेस, नई दिल्ली-110 066.
Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi - 110 066.

LC-3(14)2010/EPFAT/VOL.V

Date: 27.4.2017

To

All Addl. CPFC(Zones)

12619
03 MAY 2017

Subject:- Constitution of fresh panel of advocates to represent EPFO before various Legal Fora – Regarding

Sir,

Please refer to this office circular no. LC-9(12)CPFC Ref/Pt/3865 dated 16.5.2014 vide which comprehensive guidelines on proper handling of legal cases in field offices of EPFO were issued.

2. Attention is drawn towards Para 4(g) of circular regarding eligibility criteria for empanelment of advocates wherein it was mentioned that the eligibility of empanelment of advocates may not be less than five years.

3. The matter has been re-examined at Head office and it has been decided that in order to strengthen the defence mechanism before various legal fora, the eligibility criteria for empanelment has been revised to **Ten Years** for High Court/EPFAT, CAT, DCDRF, State Consumer Disputes Redressal Commission, NCDRC and lower courts.

4. Accordingly, Head office has initiated the process of constitution of fresh panel of advocates to represent CBT, EPF before Hon'ble Supreme Court of India, High Court of Delhi and EPF Appellate Tribunal, New Delhi for the block year 2017-19 as per the revised criteria. A notice on 02.02.2017 in this regard has been hosted on the official website of EPFO on http://www.epfindia.com/site_docs/PDFs/Updates/Empanelment_Advocate_HO_2017.pdf wherein criteria for empanelment of advocates have been prescribed which holds good for empanelment of advocates by the field offices too.

5. Accordingly, all Zonal ACCs are requested to prepare a fresh panel of advocates for various judicial fora (viz. EPFAT, Bengaluru, CAT, various High Courts, DCDRF, SCDRC, NCDRC, Lower Courts) under their jurisdiction following the criteria prescribed by Head Office. The empanelled advocates of existing panel may be informed regarding constitution of fresh panel and they may be advised to apply afresh in the prescribed Proforma (copy enclosed), if they wish to be included in the fresh panel to be constituted. It may also be clarified to the concerned Advocates that being in the existing panel of EPFO for various judicial fora does not bestow any right or claim for selection in the fresh panel of Advocates to be constituted as per the revised criteria.

6. It must be ensured that only the competent and capable advocates are empanelled for defending the cases on behalf of CBT, EPF in all legal fora. A three-member selection committee may be formed to screen and interact with the eligible applicant advocates to assess suitability for empanelment of Advocates for various courts as follows.

- (1) A retired High Court Judge from the concerned state/zone
- (2) Legal Advisor of EPFO
- (3) Zonal ACC (Convenor)

7. This may please be given top priority.

(This issues with the approval of CPFC)

Enclosure:- As above

Yours faithfully,


(R.M. VERMA)

Addl. Central P.F Commissioner(Legal)

Copy to :-

RPFC-in-charge of Regions for information and necessary action.



कर्मचारी भविष्य निधि संगठन

(असम एवं राजगार मंत्रालय, भारत सरकार)

EMPLOYEES' PROVIDENT FUND ORGANISATION

(Ministry of Labour & Employment, Govt. of India)

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14- भिकारजी कामा प्लेस, नई दिल्ली-110 066.

Bhavishya Nidhi Bhawan, 14, Bhikarji Cama Place, New Delhi - 110 066.

**NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF
ADVOCATES**

Employees' Provident Fund Organisation (EPFO), on behalf of the Central Board, Employees' Provident Funds, 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 Supreme Court of India, Delhi High Court and Employees' Provident Funds Appellate Tribunal, New Delhi.

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, they 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),
Head Office, Employees' Provident Fund Organisation,
Bhavishya Nidhi Bhawan,
14 Bhikaiji Cama Place, New Delhi - 110066.
Telephone:- -01126175107, 26175106**

The envelope should be superscribed as following:-

"Application for Empanelment of Advocate for Supreme Court/High Court, Delhi/EPF Appellate Tribunal, Delhi"

The last date of receiving Applications in the prescribed format along with supporting documents is **03rd March, 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 cases 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: -

(a) For designation of an advocate to handle the cases before the Supreme Court of India:-

- i) Be enrolled/ registered as an advocate with the Bar Council of India.
- ii) Be enrolled/ registered and currently practising as an Advocate-on Record of the Supreme Court.
- iii) Have a minimum, relevant experience of **Ten years** of handling Civil, Service, Labour matters, Arbitration matters and other cases before Supreme Court of India 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).

(b) Qualification and experience for conducting cases in Delhi High Court

- i) Be enrolled/ registered as an advocate with the State Bar Council
- ii) Have a minimum, relevant experience of **Ten years** of handling Civil, Service, Labour, Arbitration matters and other cases before a High 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).

(c) Qualification and experience for conducting cases in EPFAT

- i) Be enrolled/ registered as an advocate with the State Bar Council
- ii) Have a minimum, relevant experience of **Ten years** of handling Civil, Criminal, Service, Labour, Arbitration matters and other cases 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 two years i.e. for the period 1.4.2017 to 31.3.2019. 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 (i.e. for Supreme Court, Delhi High Court or EPFAT) may apply separately for each forum in separate envelope superscribed as mentioned earlier.
- 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
- j. The applicant advocate shall bring original documents at the time of interview.
- k. The list of selected advocates will be made available on EPFO website www.epfindia.gov.in Letter to applicant advocates confirming their empanelment will be issued by EPFO separately.

5. Duties of the Empanelled Advocates:

1. 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 the EPFO.
2. 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.
3. EPFO sends the information to the panel advocates through email 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.
4. 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).
5. 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.
6. The advocates shall accept the terms and conditions of the empanelment as determined by the EPFO from time to time.
7. 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 a ground for removal of the name of the lawyer concerned from the panel.
8. 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.
9. If required, render all assistance to Special or Senior Counsel engaged in a particular cases before the Supreme Court, High Court and other judicial bodies.
10. 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.
11. Furnish monthly statement about the cases represented by him/her before the Supreme Court/High Court/EPF Appellate Tribunal or any other authority and their outcomes.

12. 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 working days of the order (kuchha copy).

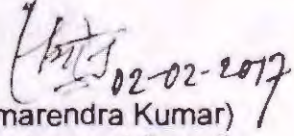
13. 30% of the fees payable to the counsel shall be deducted if the certified copy of the judgment is not handed over to the Legal cell of EPFO within three days (excluding the time taken by the Court in preparation of the copy) from the date of judgement.

6. Removal from Panel:

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.

Empanelment shall be liable to be cancelled due to occurring of any of the following disablements on the part of the Advocate.

- (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 the 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.


(Samarendra Kumar)
Regional P F Commissioner -I (Legal)
Head Office, EPFO
New Delhi

ANNEXURE A

APPLICATION NO. ----- (To be filled by EPFO)

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

To,

Regional Provident Fund Commissioner-I (Legal),
Head office, Employees' Provident Fund Organisation,
Bhavishya Nidhi Bhawan,
14 Bhikaiji Cama Place, New Delhi – 110066.
Telephone:- -01126172677

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

CHECKLIST

List of documents attached (please ✓)
Copy of all certificates & mark – sheets (Xth. onwards)
Experience Certificate
Duly filed 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 (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.	Mobile Number(s)	
10	Email ID:	
11	Are you related to any EPFO employee? If so, please give details (Viz. Name, Designation, place of work & relationship with the applicant):	

12. Details of Educational qualification (Commencing with the Matriculation or equivalent examination)

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

13. 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.		

14. 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.		

15. 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

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

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

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

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

18. 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/judgement be attached as proof):-

Name of the Court	Case title	Nature of Judgment

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

20. 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

21. 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.

22. 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

23. 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):

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 return all case files and records to the 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 and Date:-

APPLICATION NO. ----- (To be filled 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 Supreme Court/High Court /EPFAT New Delhi
.....
3. Duration in the Panel:-.....
4. Total No. of cases allotted:-.....
5. No. of cases Decided: -

In favour case title	Against	Remanded back
1.		
2		

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:-