



कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

Employees' Provident Fund Organisation
(Ministry of Labour & Employment, Govt. of India)

अपर केन्द्रीय भविष्य निधि आयुक्त कार्यालय, (बिहार एवं झारखंड)



Additional Central Provident Fund Commissioner Office (Bihar and Jharkhand)

भविष्य निधि भवन / Bhavishyanidhi Bhawan

आर० ब्लॉक, रोड नं०-६, पटना-८०० ००१ / R, Block, Road No – 6, Patna – 800 001

दूरभाष Phone no.0612 – 2506186, ईमेल E-mail : acc.brjh@epfindia.gov.in

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) Qualification and experience for conducting cases in **High Courts, at Patna & Ranchi / SCDRC, Patna & Ranchi / CAT Bench at Patna & Ranchi:-**
 - 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.
- (b) Qualification and experience for conducting cases in **CGIT-I&II, Dhanbad:-**
 - 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).
- (c) Qualification and experience for conducting cases in **District & Session Courts and District Consumer Forum, Bihar & Jharkhand.**
 - 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 from 01.04.2022 to 31.03.2024. Performance of empanelled advocates shall be reviewed at regular interval for continuance in the panel.

3. Payment of Fee and Other Conditions:

The fee payable to the Advocates shall be governed by the guidelines issued and as amended from time to time.

- (i) The Competent Authority shall have the right, in exceptional cases to approve the payment of a higher fee than the fee mentioned in EPFO website keeping in view the importance of the matter and the efforts put in by the advocate in a particular case.
- (ii) 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.
- b. An applicant advocate willing to be empanelled for more than one forum (i.e.,for High Court, CAT, CGIT, State Consumer Commission, District Consumer Forum, District & Session Courts situated in State of Bihar & Jharkhand) may apply separately for each forum in separate envelope superscribed as mentioned earlier.
- c. The last date of receipt of application is 28 March, 2022 to the Addl. Central Provident Fund Commissioner (BR&JH), Bhavishyanidhi Bhawan, R.Block, Road No.6, Patna-800001 (Bihar). 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/interaction will be uploaded on our website i.e www.epfindia.gov.in and shall be sent on individual email.
- J. The applicant advocate shall bring original documents at the time of interview/interaction.
- 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 case before the 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 High Court / CGIT /CAT/Consumer Forum or any other courts 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 no later than 5 working days of the order (original 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 Courts in preparation of the copy) from the date of judgment.

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.

Addl. Central Provident Fund Commissioner(BR&JH)
Zonal Office, Bihar & Jharkhand
EPFO, Patna.

ANNEXURE – A

APPLICATION NO. _____ (To be filled by EPFO)

APPLICATION FORM FOR EMPANELMENT IN EPFO

(TO BE FILLED IN BY ALL APPLICANT ADVOCATES)

To,

The Addl. Central Provident Fund Commissioner(BR&JH)
Employees' Provident Fund Organisation,
Zonal Office, Bihar & Jharkhand
Bhavishya Nidhi Bhawan, 3rd Floor,
R-Block, Road No.6, Patna-800 001.

Name (in Block letter)	
Father's Name (in Block letter)	
Court for which Applied	
CHECKLIST	
List of documents attached (please tick)	
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 (last date of receipt of application)	

5.	Nationality	
6.	Marital Status	
7.	Address for correspondence with PIN and Phone / Mobile No.	
8.	Permanent Address with PIN and Phone / Mobile No.	
9.	Address of Office / Chamber, if any, with PIN and Phone / Mobile No.	
10.	Email ID (Mandatory)	
11.	Are you related to any EPFO employee? If so, please give details (Viz., Name, Desig., 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, furnish 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:

Sr. No.	Name of the Advocate	Enrolment No. with date
1.		
2.		

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

Sr.No.	Office Space	Office clerk	Steno / Typist	Support Staff

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

Sr.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 / judgment 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 / Aadhaar Number be provided below:-

Bank Account Details (Bank Name, Account No., Address of the Branch and IFSC Code)	PAN Number	Aadhaar 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	Findings made by the Disciplinary Committee
1.		
2.		

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

Sl. No.	Details of allegations and proceedings	Findings made by the Court
1.		
2.		

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 cases filed and records to the EPFO as and when required by EPFO.

- 4) I agree with the Fee Schedule notified by EPFO.

Signature of Advocate

Place:

Date:

Enrolment Number_____

Mobile Number_____

Email I.D._____

ANNEXURE – B

APPLICATION NO. _____ (To be filled by EPFO)

ADDITIONAL INFORMATION SHEET

(To be filled by existing Panel advocates, applying for fresh empanelment)

1. Name of the Panel Advocate :

2. Empanelled for HC/CAT/CGIT/CDRF/LOWER COURTS:

3. Duration in the Panel :

4. Total No. of cases allotted :

5. No. of cases Decided :

Sl.No.	Case title	In favour	Against	Remanded back
1.				
2.				

6. No. of cases Pending :

7. Details of oldest pending with the Advocate:

8. Special achievement, if any :

9. Remarks of applicant advocate, if any:

(Signature and Name of the applicant)

Place:-

Date:-