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कर्मचारी भविष्य निधि संगठन / **EMPLOYEES' PROVIDENT FUND ORGANISATION**

(श्रम एवं रोजगार मंत्रालय, भारत सरकार) / (Ministry of Labour and Employment: Govt. of India)

अपर केन्द्रीय भविष्य निधि आयुक्त का कार्यालय /

OFFICE OF THE ADDITIONAL CENTRAL PROVIDENT FUND COMMISSIONER

कर्नाटक :: गोवा / KARNATAKA: GOA

कावेरि, भविष्य निधि एनक्लेव, एच.एम.टी. मैन रोड, जालहल्लि, 'Kaveri', Bhavishya Nidhi Enclave, HMT Main Road, Jalahalli,
बैंगलूर - ५६० ०१३ Bangalore-560013.

No. EPFO/ACC(K&G)/ AR-37(A)/ 1110 /2017-18

Dated: 08.08.2017

NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF ADVOCATES

Employees' Provident Fund Organization (EPFO), on behalf of the Central Board, Employees' Provident Fund, a statutory body under the Ministry of Labour & Employment, Government of India, proposes to engage Panel Counsel(s) to represent the Central Board, EPF before various Legal Forum (viz., Karnataka High Court, CAT, DCDRF, SCDC, Lower Courts, CGIT-Bengaluru) including the Hubli-Dharwad Bench and the Gulbarga Bench.

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 the 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:-

***Office of the Additional Central P F Commissioner,
Bhavishya Nidhi Enclave, 'Kaveri', HMT Main Road,
Jalahalli, Bengaluru - 560013.***

The envelop should be superscripted as following:-

"Application for Empanelment of Advocate for Karnataka High Court, CAT, DCDRF, SCDC, NCDRC, Lower Courts and CGIT- Bengaluru".

The last date of receiving of Applications in the prescribed format along with supporting documents is **08.09.2017**.

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.


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REGIONAL P F COMMISSIONER-I
ZONAL OFFICE, BENGALURU.

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 Court of Karnataka.

- 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).

(b) Qualification and experience for conducting cases in CGIT, Bangalore.

- 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 State Consumer Disputes Redressal Commission, District Courts, Lower Courts and Consumer fora.

- 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 01.04.2017 to 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 (i.e., for Karnataka High Court, CGIT, DCDRF, SCDRC, District Courts, Lower Courts or Consumer Fora) 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 case 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 High Court/CGIT 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 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 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 Organization 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.



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**REGIONAL P F COMMISSIONER-I
ZONAL OFFICE, BENGALURU.**

APPLICATION NO _____ (To be filled by EPFO)

APPLICATION FORM FOR EMPANELMENT IN EPFO

(TO BE FILLED IN BY ALL APPLICANT ADVOCATES)

To,
Office of the Additional Central P F Commissioner,
Bhavishya Nidhi Enclave, 'Kaveri', HMT Main Road,
Jalahalli, Bengaluru – 560013.

Name (in Block letter)
Father's name:
Court for which applied
CHECKLIST List of documents attached (please tick) Copy of all certificates & mark – sheets (Xth onwards) Experience Certificate <ul style="list-style-type: none"> • Dully filed Annexure –A & B Others (Please specify): 1. 2.

PERSONAL DETAILS (IN Block letters)	
1.	Name
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 No.
8.	Permanent Address with PIN and Phone No.
9.	Address of Office/Chamber, if any, with PIN and Phone No.
10.	Email ID
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 1 st division	% of subject Marks		Year of passing
10 th / Matriculation					
12 th / Intermediate					
"Graduation LLB/Law Graduate Degree					
Post Graduation					
Other Professional Qualification					

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
1		

16. Infrastructural facilities 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 & 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 judgement 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 Judgement

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 Name, Account No., 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	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):

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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 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 .

Place:

Date:

Signature of Advocate

Enrolment Number

Mobile Number

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 SC/HC/EPFAT, Bengaluru:
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 achievement, if any
9. Remarks of applicant advocate,
if any:

(Signature and Name of the applicant)

Place:

Date:



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-भिकाजी कामा प्लेस, नई दिल्ली-110 066.
Bhavishya Nidhi Bhawan, 14, Bhikarji Cama Place, New Delhi - 110 066.

No. LC-4(1)2016/

Dated: 25.01.2017

25 JAN 2017

OFFICE CIRCULAR

Subject: Revision of fee payable to advocates on the panel of the Central Board/EPFO and other legal practitioners who may be engaged- regarding.

The undersigned is directed to convey 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 and D - contained in the instant circular.

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	Rs.4,500/- per

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	(SLP/TP/WP/etc)	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	Rs. 13,500/- per case per day

	hearing	
2.	All defended 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.

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B. High Court, EPFAT, CAT, 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, EPFAT, CAT, 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 5 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
4	Miscellaneous Application	Rs. 3,000/- per case
5	Conference	Rs. 900/- per conference subject to the following limitations:- (i) In respect of for settling pleadings- one conference. (ii) In respect of hearing of Writ matters, Suits, appeals and Supreme courts leave applications etc- Three conferences

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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's, OM No. 24(2)/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. 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-C

S.No.	Item of work	Revised fee
1.	Fee for effective hearing	Rs. 1,800 per day
2.	Fee for non-effective hearing	Rs. 600 per day (limited to 5 such hearings in a

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		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. 600 per pleading
5.	Fee per Conference	Rs. 900 (limited to 5 such conferences in a case / group of identical cases)
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	@ 10% 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 1st case and Rs. 750 per suit for connected cases (max. 3

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		cases)
11.	Miscellaneous and out of pocket expenses	As per actuals to the satisfaction of the OIC of RO/SRO

All other terms and conditions applicable to above mentioned Counsels vide Department of Legal Affairs's OM No. 27/111)/1999-Judl dated 24.09.1999 read with OM No. 27(25)/2011-Judl. dated 01.09.2011 shall continue to remain applicable.

D. Arbitration Cases:

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

Table-D

S.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

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		(Limited to three such conference in a case)
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-B 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. 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.
- iv. Claim for drafting/ filing/ sealing of pleadings/petition/OA/ counter affidavit/rejoinder/caveat/misc. application e.t.c. will be entertained only when a copy of the filed document is enclosed with the bill.
- v. Claim for typing and photocopying charges will be restricted to the number of pages in the Petition/Counter Affidavit/Rejoinder/Misc. Application/etc.

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- vi. A bill in respect of an individual legal case may be presented by an advocate for each item of work (as listed in the able 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.
- vii. The phrase "Central Board " or "EPFO" includes its offices and officers and should be construed according to the demand of the context
- viii. 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.

ix. Effective Hearing Means:

- (a) 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.
- (b) 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.
- (c) 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

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of statement of the accused under section 281 of 313 Cr. P.C. take place or defence witnesses are examined or argument on any important miscellaneous application is heard, - is an instance of effective hearing.

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.

- x. 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 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).
- xi. 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.
- xii. 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, the reason for engaging such advocate may be recorded by the officer in charge of the RO or SRO concerned and conveyed (through proper channel) to 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.
- xiii. 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 a litigation is considered desirable to protect or promote the best interest of social security or the Central Board/EPFO.

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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 atleast two weeks before the date of hearing.

- xiv. 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.
- xv. The revised rates shall be applicable from the date of issue of this communication.

(This issues with the approval of CPFC.)

[Handwritten Signature]

(DR. S.K. TIJAKUR)

ADDL. CENTRAL PF COMMISSIONER-J (Legal)

To

1. All Addl. CPFC (Zones)/Director (PDUNASS)
2. All ROs/SROs
3. All Officers-in-charge of ZTIs and Sub-ZTI

Copy to:-

1. FA&CAO
2. CVO
3. ACC(HQ)(HR)/ACC(HQ)(Compliance)
4. Deputy Director (OL), Head Office for issue of Hindi version.

[Handwritten Signature]
25-1-17

(SAMARENDRA KUMAR)

REGIONAL PF COMMISSIONER-I (Legal)

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Pg
25-1-17

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Amit

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25-1-17