

अपर केन्द्रीय भविष्य निधि आयुक्त कार्यालय (दिल्ली व उत्तराखंड)

OFFICE OF THE ADDL. CENTRAL PROVIDENT FUND COMMISSIONER (Delhi & Uttarakhand)

कर्मचारी भविष्य निधि संगठन - श्रम एवं रोजगार मंत्रालय



EMPLOYEES' PROVIDENT FUND ORGANISATION
MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA

भविष्य निधि भवन/ BHAVISHYANIDHI BHAWAN
सामुदायिक भवन, वज़ीरपुर इंडस्ट्रियल एरिया, दिल्ली-110052

दूरभाष/Phone: 011-27376784 फ़ैक्स/Fax: 011-27376174

ईमेल / E-mail: acc.dlut@epfindia.gov.in



संख्या- अ.के.आ./दि. एवं उ./समन्वय /अधिवक्ताओं की नियुक्ति/2021-23/1905

दिनांक-07/12/2022

शुद्धिपत्र

ईपीएफओ वेबसाइट पर आंचलिक कार्यालय (दिल्ली एवं उत्तराखंड) की अधिसूचना संख्या अ.के.आ./दि. एवं उ./समन्वय /अनुबंध/विज्ञापन/2021-23/ 1404 दिनांक- 10-10-2022 के क्रम संख्या- 8 के "whatsnew section" के अंतर्गत होस्ट किए गए विस्तृत विज्ञापन की ओर सभी का ध्यानकर्षण किया जाता है कि विज्ञापन के पृष्ठ संख्या 25 से 26 पर सीजीआईटी एवं कैट के लिए उल्लिखित कानूनी शुल्क को ईपीएफओ मुख्यालय द्वारा संशोधित किया गया है। शुल्क संरचना की संशोधित प्रति अनुबंध-ए (annexure-A) के रूप में सूचनार्थ संलग्न है।

उक्त विज्ञापन के प्रत्युत्तर में जिन अधिवक्ताओं ने नियुक्ति के लिए आवेदन किया है वे कृपया अपने आवेदन के संदर्भ में उनके द्वारा चुने गए कानूनी फॉर्म के अलावा सीजीआईटी एवं कैट में ईपीएफओ का प्रतिनिधित्व करने हेतु नियुक्त अधिवक्ताओं को संशोधित देय शुल्क की दर का ध्यानपूर्वक अनुसरण करने का कष्ट करें।

(अपर केन्द्रीय भविष्य निधि आयुक्त(मु.) के अनुमोदन से जारी)

संलग्नक-यथोपरि

(संजय बिष्ट)

क्षेत्रीय भविष्य निधि आयुक्त-1 (विधि)
आंचलिक कार्यालय (दिल्ली एवं उत्तराखंड)

To

All the applicants (Advocates)

Copy to:

1. All Officer In-Charge of Delhi State-for information and necessary action.
2. Officer In-Charge, Delhi (North).
3. Officer In-Charge, Delhi (South).
4. Officer In-Charge, Delhi (East).
5. Officer In-Charge, Delhi (West).
6. Officer In-Charge, Delhi (Central).

अपर केन्द्रीय भविष्य निधि आयुक्त कार्यालय (दिल्ली व उत्तराखंड)

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कर्मचारी भविष्य निधि संगठन – श्रम एवं रोजगार मंत्रालय

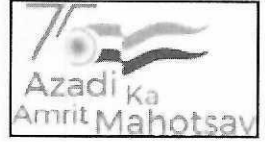


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No. ACC/DL&UT/Coord/Empanelment of Adv/2021-2023/1405

Dated: 07 Dec. 2022

CORRIGENDUM

Reference is invited towards the detailed advertisement hosted at EPFO website vide Zonal Office (Delhi & Uttarakhand) notification No. ACC/DL&UT/Coord/Empanelment of Adv./2021-23/1404 dated 10.10.2022 at Sl.No.8 of "Whatsnew section" of EPFO website. In this regard, it is brought to the notice of all concerned that the legal fees mentioned for CGIT at page No.25 to 26 of the advertisement has since been revised by EPFO Head Office. The revised copy of fee structure is enclosed as Annexure –A for information.

2. All the advocates who have applied in response to the above advertisement may kindly peruse the revised fee structure for CGIT & CAT payable to the empaneled advocates of EPFO in consideration of their applications submitted for empanelment to represent legal cases of EPFO before CGIT & CAT in addition to the Legal forums opted by the applicants.

[This issues with the approval of Addl. CPFC, (HQ) Delhi & Uttarakhand]

(Sanjay Bisht)

Regional P.F.Commissioner-I (Legal)
(Zonal Office, Delhi & Uttarakhand)

To

All the applicants (Advocates)

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5. Officer In-Charge, Delhi (West).
6. Officer In-Charge, Delhi (Central).



CHAPTER-VIII

PAYMENT OF FEES TO
PANEL ADVOCATES

PAYMENT OF FEES TO PANEL ADVOCATES

Fee payable to advocates on the panel of the Central Board/EPFO and other legal practitioners who may be engaged

Head Office vide circular no. LC-4(1)2016/18332 dated 25.01.2017 has conveyed 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, D and E.

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 (SLP/TP /WP/etc)	Rs.4,500/- per 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 hearing	Rs. 13,500/- per case per day
2.	All 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.

B. HIGH COURT 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, 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 five 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

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S. No.	Item of work	Revised fee
4.	Miscellaneous Application	Rs. 3,000/- per case
5.	Conference	Rs 900/- per conference subject to the following limitations:- (I) In respect of settling pleadings- one conference. (ii) In respect of hearing of Writ matters, Suits, appeals and Supreme courts leave applications etc- Three conferences
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', OM No. 24(2)1 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. CGIT and CAT

The fees to be paid to panel advocates of **all CGITs and all CATs** should be at par with the fee structure (considering Ministry of law and Justice OM No. 26(1)/2014/judl. dated 01.10.2015) applicable for Panel Counsel and Central Govt. Counsel/ Pleader of various High Courts (including Panel Counsel of various CAT, Benches), which is as under:-

Table-C

Sl. No.	Item of work	Revised fee
1.	Civil or Criminal Writ Petitions under Article 226 & 227 of the Constitution, Contempt Petitions, Criminal/Civil Revision Petitions, Reference to the High Court under Sales Tax Act and Banking Company Petitions.	Rs 2250/- per effective hearing, Rs. 450/- per non- effective hearing (subject to maximum of five hearings in a case)
2.	Original Suits, Civil Appeal from Decrees in Suits and proceedings including second appeal and land acquisition appeal except LPA from Petitions under Article 226 & 227 of the Constitution (including drafting fee)	Ad. Valorem/regulation fee (subject to maximum of RS. 45,000/- in a cases)
3.	Company Petitions	To be regulated by the rule contained in Appendix (iii) of the Company (Court) Rules, 1959

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Sl. No.	Item of work	Revised fee
4	Drafting of pleading counter affidavits/returns / answer to Writ Petitions/Grounds of Appeal and application for leave to appeal to the Supreme Court	Rs. 1,350/- per pleading
5	Drafting of Civil Misc. Applications to petitions under the Indian Succession Act, Contempt of Court proceedings and other proceeding of an original naturess	Rs. 1,125/- per petition
6.	Civil Misc. Petitions, forma paupers, transfer petitions and other civil misc. Petitions of routine nature	Rs. 450/- per petition
7.	Consultation/ conference fee	Rs. 450/- per conference (subject to maximum of four conferences in a case)
8.	Appearance before the High Court in application under Section 34 & 37 of the Arbitration and conciliation Act, 1996 Appearance before Arbitrator/ Umpires etc.	Rs. 2,250/- per effective hearing Rs. 450/- per non-effective hearing (subject to a maximum of five hearing in a case). Rs. 450/- per non effective hearing (subject to a maximum of five hearing in a case)

Further all other terms and condition applicable to above panel Counsels in the pre-revised OM No. 24(2)/99-judl, OM No. 26(1)99-judl., OM No. 25(3)99-Judl. and OM No. No. 26(2)/99-Judl. all dated 24.09.99 read with OM No. 26(1)/2005-Judl. dated 31.01.2008 issued by Ministry of Law and Justice shall continue to remain applicable.

D. 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-D

Sl. No.	Item of work	Revised fee
1.	Fee for effective hearing	Rs. 1,800 per day
2.	Fee for non-effective hearing	Rs. Six hundred per day (limited to five such hearings in a 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. Six hundred per pleading
5.	Fee per conference	Rs. 900 (limited to five such conferences in a case / group of identical cases)

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Sl. No.	Item of work	Revised fee
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	@ Ten percent 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 first case and Rs. 750 per suit for connected cases (max. 3 cases)
11.	Miscellaneous and out of pocket expenses	As per actuals to the satisfaction of the OI C of RO.

All other terms and conditions applicable to above mentioned Counsels vide Department of Legal Affairs' OM No. 27/(11)/1999-Judl dated 24.09.1999 read with OM No. 27(25)/2011-Judl. dated 01.09.2011 shall continue to remain applicable.

E. ARBITRATION CASES:

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

Table-E

Sl. 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
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-C 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. Fee other than prescribed in this Chapter shall not be allowed unless specifically authorized by competent authority in view of special complexity of the case involving high financial implication and/or important policy matter.
- iv. The Payment to CGSCs/Counsel appearing on behalf of Union of India should not normally be paid by EPFO unless specifically directed by the Central Government.
- v. 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.
- vi. Claim for drafting/ filing/ settling of pleadings/ petition/ OA/ counter affidavit/ rejoinder/ caveat/ misc. application etc.. will be entertained only when a copy of the filed document is enclosed with the bill.
- vii. Claim for typing and photocopying charges will be restricted to the number of pages in the Petition/Counter Affidavit/Rejoinder/ Misc. Application/ etc.
- viii. A bill in respect of an individual legal case may be presented by an advocate for each item of work (as listed in the table 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.
- ix. The phrase "Central Board " or "EPFO" includes its offices and officers and should be construed according to the demand of the context
- x. 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."
- xi. **Effective Hearing Means:**
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.
- xii. 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.
- xiii. 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 of statement of the accused under section 281 of 313 Cr. P.C take place or defense witnesses are examined or argument on any important

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- miscellaneous application is heard, - is an instance of effective hearing.
- xiv. 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.
- xv. 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 of his panel 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). Any special fee shall be approved by the Competent Authority.
- xvi. 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.
- xvii. 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(other than senior advocate), the reason for engaging such advocate may be recorded by the officer in charge of the RO concerned and conveyed (through proper channel or 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.
- xviii. 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 litigation is considered desirable to protect or promote the best interest of social security or the Central Board/EPFO. Such an advocate can be engaged only after recording the reason for his/her engagement and after securing the permission of the Competent Authority.
- xix. 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.
- xx. The revised rates shall be applicable from the date of issue of communication in that regard.

SENIOR ADVOCATES

Engagement of Senior Advocate shall not be a routine. However, in some matters such as involving prime importance, have huge financial implications, involves challenge to Constitutional or legal validity of Statutory provisions of the Act/Schemes or Gazette Notifications or policy decisions of EPFO or where substantial question of law is involved or any adverse view is being taken in contempt cases against Head of the Organisation or Central Government Officers etc. the services of Senior Advocates become necessary.

'Senior advocate' here means any advocate so designated under subsection (2) of Section 16 of the Advocates Act, 1961 (25 of 1961), and all such advocates whose names were borne on the roll of the senior advocates of the Court immediately before the commencement of Chapter III of the Advocates Act, 1961. Therefor such advocates may be required to be engaged from outside the panel of the Central Board/EPFO, against a fee which is higher than that prescribed in this framework.

If the engagement of a Senior Advocate for a litigation is considered desirable to protect or promote the best interest of social security or the Central Board/ EPFO such an advocate can be engaged after recording the reason and justification and after obtaining the permission of the Central Provident Fund Commissioner or such officer as may be authorized by Central P F Commissioner.



Before the matter is placed before the Central P F Commissioner following may be ensured

- The conducting panel advocate appearing in the matter shall suggest the names of 3-4 Senior Advocates of high repute to defend the matter.
- The willingness of Senior Advocate and Schedule of fess to be charged may be obtained in writing.
- The name of Advocate General/ Solicitor General of India/ASGI may also be suggested and efforts should be to engage them on the fee schedule published by the Ministry of Law and Justice.
- The important case orders/judgement of these proposed Senior advocates/ Advocate General/ Solicitor General of India/ASGI may also form part of the proposal.
- Zonal ACCs shall examine the matter and send the proposal with reasons/ justification and recommendations in the matter. The justification should also contain as to why the conducting advocate will not be able to contest alone in the matter.
- The matter shall be examined by legal division Head Office and shall placed before the Central Provident Fund Commissioner.

