



कर्मचारी भविष्य निधि संगठन

(श्रम मंत्रालय, भारत सरकार)

Employees' Provident Fund Organisation

(Ministry of Labour, Govt. Of India)

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14-भीकाजी कामा प्लेस, नई दिल्ली-110066

Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi-110066

No.LC-3(1)06/Policy Matter

Dated: 31.3.2008

To

All Regional Provident Fund Commissioners
in charge of Regions.

Subject: Procedure for empanelment of advocates.

Sir,

You are aware that EPFO has to contest cases before various judicial/semi judicial fora in connection with the following:-

- ☞ Substantial Question(s) of law arising before the Supreme Court/High Courts in connection with the EPF & MP Act, 1952 and the various Schemes framed thereunder.
- ☞ Appeals made before EPF Appellate Tribunal against the orders made under the Act and the Schemes e.g. under Section 7A of the Act etc.
- ☞ Actions brought before the subordinate courts of law and the consumer courts for denial/deficiencies of service by EPFO.
- ☞ Other litigations where EPFO is involved.

In order to make the best possible representation in such cases, EPFO requires to be assisted by a panel of competent advocates. The panel of advocates shall be recommended by the RPFCS heading the regions to the Head Office. On the basis of the RPFCS recommendations the Head Office shall constitute the panel for the region for a block of two years at a time. While recommending the names of the advocates for empanelment, the RPFCS shall be guided by the following factors:-

(a) **Scope**

A panel of lawyers shall be required only for handling the cases pertaining to the Supreme Court, the High Court, the CAT, the EPFAT, the National Commission and the State Commissions constituted under the Consumer Protection Act, 1986. The proceedings of the Subordinate Courts and the District Consumer Fora involve mostly questions of fact and shall be attended to by the local EPFO machinery only. In cases of special need articulated by the RPFC, a panel for purposes of the subordinate judiciary and the District Fora may, however, be approved by the Head Office.

(b) **Qualifying practice**

Generally 10 years of relevant legal practice shall be required for Supreme Court, High Court, State Consumer Dispute Redressal Commission, the National Consumer Dispute Redressal Commission the Central Administrative Tribunal and the EPF Appellate Tribunal where questions of law are frequently involved and hence considerable legal expertise and experience are required. In rare cases, the RPFC, may, however, recommend the applications of talented and promising advocates who though falling short of the experience criterion, have had an excellent academic background and are recommended by atleast two eminent figures in the legal field. Alternatively, his/her suitability may be decided on the basis of a personal interview by a committee constituted by the Head Office for the purpose. In addition, a Central Govt. Standing Counsel or an Additional Central Govt. Standing Counsel could be engaged without their formal empanelment for EPFO.

(c) **Size of the Panel**

RPFCs shall ensure that the pool of advocates (including the Central Govt. Standing Counsel and Additional Central Govt. Standing Counsel) is optimally utilized by a fair distribution of cases.

- The size of the panel recommended by the RPFCs should be proportionate to the number of cases pending with and arising in the region. An upper limit of the no. of advocates on the panel shall be stated by the RPFCs.
- The RPFCs shall explain the reason behind recommending re-empanelment of advocates who were not allotted substantial work in the past.

(d) **Quality Check**

It is mandatory for every state bar council to maintain a roll of all the advocates in that state. All advocates are issued an identity card by the bar too. An advocate applying for empanelment shall be required to get his application forwarded through the concerned State Bar Council and also furnish his bar identification number.

(e) **Performance appraisal**

While recommending the re-empanelment of an advocate for the next block year the RPFC shall state the number of cases allotted to the advocate and whether any of them were decided against EPFO giving reasons for the same. The RPFC shall also certify that the advocate has vigilantly and professionally pursued the cases, obtained favourable disposal and has in general shown sufficient interest and involvement in the cases of EPFO.

All the RPFCs incharge of the regions shall decide and intimate for approval to this office the size of the panel (an upper limit of the number of advocates on the panel) as stated above. The RPFC shall also prepare a list of advocates, carefully examine the ability and merit of each advocate (whether to be re-empanelled or to be freshly empanelled), keeping in mind the best interest of EPFO and then send over his clear recommendation for empanelment (for the block year 2008-2010) in line with the above mentioned guidelines by 15.04.2008.

Yours faithfully,

N.N. Sharma

(N.N. Sharma)

Addl. Central PF Commissioner (Compliance) / *C.S.D.*

Copy to:-

1. All ACCs of the Zones and the Divisional Heads of the Head Office.
2. PS to CPFC.

N.N. Sharma

(N.N. Sharma)

Addl. Central PF Commissioner (Compliance) / *C.S.D.*