

No. AIIMS/BTI/ADMIN/899

23 Nov 2021

Notice inviting applications for empanelment of Advocates in AIIMS Bathinda

All India Institute of Medical Sciences, (AIIMS) Bathinda invites application for empanelment of Advocates to represent AIIMS Bathinda and its Officers & Official cases before Supreme Court of India, High Court of Punjab & Haryana, Subordinate Courts, Commission and other Judicial/Quasi-Judicial bodies. Advocates so empanelled would also be responsible for providing AIIMS Bathinda with legal advice and legal opinion as and when requested for.

1. Guidelines for Empanelment of Advocates:

The following guidelines for the empanelment of Advocates for defending the Institute in various court cases has been framed: -

Courts: The Courts include, lower/District Courts/High Courts, The Supreme Court, Consumer forums/ Commissions/ Tribunals etc. at Bathinda, New Delhi and any other part of India from where the Institute (AIMS) receives any notice/summon(s) etc.

Eligibility for Empanelment:

- (a) The Advocate should be familiar with various branches of law including labour laws, arbitration, consumer laws and service matters. Specialization in service matter shall be added advantage for empanelment.
- (b) In addition to above, the advocates are required to have the minimum professional/Court practice experience as under: -
 - (i) For empanelment for the Supreme Court of India - 12 years' experience in the Supreme Court.
 - (ii) For empanelment for the High Court in India - 8 years' experience in High Court.
 - (iii) For empanelment for the Subordinates Courts/Tribunals - 6 years' experience in Subordinate Courts/Tribunals.
 - (iv) Provided that the competent authority may relax the above conditions at its discretion, if otherwise found suitable in certain cases.
- (c) An advocate shall have the right to Private practice which should not, however, interfere with or being conflict with the efficient discharge of his duties as an empanelled advocate of the Institute.
- (d) An Advocate shall not advise any party or except any case against the Institute in which he has appeared or is likely to be called to appear or advice.
- (e) If the Advocate happens to be a partner of a firm of lawyers or solicitors, it will be incumbent upon the firm not to entertain any case against the Institute arising in any court.
- (f) Empanelled Advocate shall not hand over the brief or matter to another Advocate except his junior Counsel without prior Permission of the Institute.

In view of the above, the cases of empanelment of Advocates may specifically be followed by recommending the empanelment of Advocates on the panel of the Institute.

2. Mode of Application:

2.1 Eligible applicants may send their applications in the enclosed proforma along with bio-data and relevant supporting documents in a properly sealed envelope addressed to **“The Executive Director, C Block, First Floor, Medical College Building, AIIMS Bathinda-151001”**. The envelope must be superscribed with ‘Application for advocate empanelment – (Name of the court*)’. The application should be accompanied by self-attested copies of all certificates. Documents must be clear and legible. Seals / Stamps / Signatures / Names / Authorities / Dates must be clearly visible.

2.2 Applicants must mention the forums (Courts) where empanelment is being sought. Applicants may apply for more than one forum through separate application, if eligible.

2.3 Proforma for Application shall be as per ‘Annexure-A’

2.4 Documents required shall be as per ‘Annexure-B’

3. Last Date of Receipt of Application:

3.1 The last date of receipt of applications shall be 21 days from the publication of notice for empanelment of advocates in the newspapers. If the last day of receipt of applications is a holiday at AIIMS Bathinda, then the next working day shall be considered as the last day for receipt of applications. The applications shall be received upto 05:00 PM on the last day. Applications received after 05:00 PM would not be considered.

3.2 AIIMS Bathinda shall not be responsible for any postal delay, if any.

4. Procedure for empanelment:

4.1 The applications received would be scrutinised depending upon the requirement by committee constituted by competent authority.

4.2 AIIMS Bathinda reserves its right to shortlist the advocates to be called for interview/presentation. Only shortlisted candidates will be called for interview.

4.3 The size of the panel and number of Advocates in a particular field in the panel shall be finalized by AIIMS Bathinda based on the requirements and quantum of work involved.

4.4 No candidate will be called for interview/presentation unless he/she satisfies the eligibility conditions.

**Court (s) for which empanelment is being requested for.*

4.5 Merely fulfilling the eligibility criteria will not confer any right of an advocate for empanelment or call for interview.

4.6 The decision of the Committee constituted by the competent authority regarding shortlisting of the Advocates for interview shall be final.

4.7 No TA/DA or other expenses will be paid to the individual candidate for appearing in the interview/presentation.

4.8 A list of shortlisted candidates with the date, time and venue of interview/presentation will be uploaded on the website - www.aiimsbathinda.edu.in.

4.9 The result will be made available on AIIMS Bathinda website-www.aiimsbathinda.edu.in

4.10 Letter for selected Advocates confirming their empanelment will be issued by AIIMS Bathinda separately.

4.11 The successful candidates shall produce their original documents, whenever desired by the competent authority after the fulfilment of clause 4.10.

4.12 The candidates shall return a duly signed copy of the letter confirming their acceptance of empanelment.

4.13 All disputes shall be subject to the jurisdiction of court of law at Bathinda Jurisdiction.

5. **Tenure of Empanelment:**

5.1 The initial empanelment will be for the period of two years from the date of receipt of acceptance of empanelment. However, the performance would be reviewed periodically and at least annually.

5.2 The tenure of empanelment may further be extended / renewed for another two years in addition the above by the Competent Authority of AIIMS Bathinda.

5.3 Notwithstanding anything mentioned in 5.1 or 5.2 above, AIIMS Bathinda reserves the right as regards to assignment of cases and revocation of empanelment without assigning any reason.

6. **Fee structure and honorarium applicable:**

Group A	Fee
HON'BLE SUPREME COURT/ HIGH COURT/ NATIONAL CONSUMER COMMISSION OR ANY OTHER TRIBUNAL/ COMMISSION AT NEW DELHI	
For arguing counsel per hearing	Rs. 5500/-
Fee for each conference	Rs. 4400/-
FOR ADVOCATE ON RECORD	
Fee for conference with Senior Counsel	Rs. 3300/-
Fee For Drawing Counter/ Rejoinder	Rs. 3300/-
Fee for drawing SLP	Rs. 3300/-
Fee for filling and attending the registry	Rs. 3300/-
Appearance for per hearing	Rs. 3300/-
Appearance fee for final hearing	Rs. 5500/-
Note: -	

(a) In case counsel has to stay overnight at New Delhi or any other station, he/she will be paid upto maximum of Rs. 2000/- (Two thousand rupees only) per night subject to production of bills for stay and meals.	Rs. 2000/- per night
(b) Taxi charges	Rs. 600/- per day (out station only)
(c) 50% fee will be paid to the Counsel in Admitted cases after filling of written statement.	
HIGH COURT/ STATE CONSUMER COMMISSION/ CENTRAL ADMINISTRATIVE TRIBUNAL (CAT)/ ARBITRATOR	
Counsel fee per case	Rs. 10,000/-
Clerkage	Rs. 1000/-
Misc. expenses	As per actual
Junior Counsel fee who appears along with Senior Counsel	Rs. 5000/-
Misc. Application seeking extension of time after the disposal of the case.	Rs. 1500/- Plus Misc. expenses
Group B	
LOWER COURT/ DISTRICT COURT/ LABOUR COURT/ LABOUR COMMISSIONER/ DISTRICT CONSUMER FORUM AT BATHINDA OR OUTSTATION.	
Counsel fee per case	Rs. 5000/-
Clerkage	Rs. 500/-
Misc, expenses	As per actual

7. Duties of the Empanelled Advocate at AIIMS Bathinda:

7.1 The counsel shall not advise any party to accept any case against the AIIMS Bathinda in which he/she has appeared or likely to be called upon to appear for or advise which is likely to affect or lead to litigation against the AIIMS Bathinda.

7.2 Timely appearance of the Counsel to contest the cases for AIIMS Bathinda in the Court is a must. His/her absence in the court, without any reasonable ground and notice in advance, will not be accepted.

7.3 Competent Authority at AIIMS Bathinda is free to engage any Counsel from its panel or otherwise of its own choice and merely empanelment as Counsel in the panel of AIIMS Bathinda shall not make any claim/right that he/she has right to be entrusted with a case or particular case/cases pertaining to AIIMS Bathinda.

7.4 Refusal by any Counsel to accept any work without any reasonable cause (e.g., on grounds of conflict of interest) may entail removal of such Counsel from the panel forthwith without waiting for the empanelment period to expire.

7.5 The Counsels shall accept the terms and conditions of the empanelment as determined by the AIIMS Bathinda from time to time.

7.6 In order to ensure that there is effective check on the cases being conducted, the counsels on the panel must report the status of the cases after each date of hearing by uploading the information on AIIMS Bathinda website as well as through email/phone. Failure to submit status report may be counted as a ground for removal of the name of the particular Advocate from the panel.

7.7 In cases where on the request of the Department of Health and Family Welfare, Govt. of Punjab have also to be represented by the AIIMS Bathinda Counsel, no separate fee shall be charged by the Counsel for this purpose.

7.8 When any case attended by him/her is decided against the Organization, the Counsel concerned must give considered opinion regarding the reasons for such adverse order with advice for filing an appeal for such a decision not later than 5 working days of the passing of such orders (s).

8. Removal of Panel:

8.1 AIIMS Bathinda reserves the right to terminate the empanelment of a Counsel anytime with immediate effect without assigning any reason thereto. The Counsel may also submit his request for removal of his name from the panel by serving one month's notice.

8.2 Empanelment of the Counsel may be liable to be cancelled due to occurrence of any of the following disabilities on the part of the Counsel.

8.2.1 Failing to attend the hearing of the case without any sufficient reason and/or prior information.

8.2.2 Not acting as per AIIMS Bathinda instructions or going against specific instructions or going against the interests of AIIMS Bathinda.

8.2.3 Threatening, intimidating or abusing any of the AIIMS Bathinda employees, officers, staff or representatives.

8.2.4 Passing/leaking of information relating to AIIMS Bathinda case(s) to the opposite party/parties or that their Counsel(s) or any third party which is likely to cause any damage to the interest of AIIMS Bathinda.

8.2.5 Giving false or misleading information to the AIIMS Bathinda relating to the proceedings of the case.

8.2.6 Failing to follow the terms and conditions of empanelment.

9. Right to Private Practice and Restrictions thereon:

9.1 A Counsel shall have the right to private practice, which should not, however, interfere with or be in conflict with the efficient discharge of his duties as an empanelled Counsel of the AIIMS Bathinda, keeping in view of provisions of the Advocates Act, 1961.

9.2 Counsel shall not advise any party or accept any case against the AIIMS Bathinda in which he has appeared or is likely to be called upon to appear or advise.

9.3 If the Counsel happens to be a partner of a firm of lawyers or solicitors, it will be incumbent upon the firm not to entertain any case against the AIIMS Bathinda arising in any court.

-SD-
Executive Director,
AIIMS, Bathinda



(ANNEXURE 'A')

APPLICATION FOR EMPANELMENT

FORMAT OF BIO-DATA FOR ADVOCATE

Advertisement No. _____

Applicant (Advocate): _____

Forum of Empanelment (Supreme Court/High Court of Punjab/Subordinate Court/Commission/Tribunals): _____

Photograph

1. Name:
2. Father's Name:
3. Date of Birth: _____
4. Permanent Address of applicant:
E-mail Id: Mob No.
5. Office Address:
E-mail Id: Mob No.
6. Date of Enrolment, Name of Bar Council:
(Enclose copy of enrolment certificate)
7. Details of experience/and period of practice:
8. Area of practice:
9. Specialization, if any (constitution/taxation/services etc.):
10. Details of a few important cases the advocate has dealt with/handled/and reported judgement (if necessary, please attach separate sheet):
11. Whether Central Govt./State Govt./PSU counsel/pleader
(Indicate period of empanelment):
12. Brief list of clients e.g., Govt./organization/Company/PSUS (if necessary, please attached separate sheet):
13. Courts where the Advocate is regularly practicing:
(Enclose copy of Bar Association Membership Certificate if any)
14. Date of enrolment as an Advocate-on-record of the Supreme Court if applicable and
Registration No:
15. Income Tax PAN number:
16. Notable achievements:

17. A brief note on suitability of empanelment:

Declaration cum undertaking: I declare that I have never been blacklisted / removed from panel/service by any organisation and have never been penalized by any Bar Council in any matter. All the information provided by me in my application is true and correct. If any information furnished in this application is found to be incorrect at any stage, even after empanelment, then my empanelment shall liable to be cancelled straightway.

Date:

Place:

Signature of Advocate
with Seal and date

ANNEXURE 'B'

Self-attested copies (PDF) of the following documents required to be submitted with application:

- (a) Registration No./Enrolment No. with the Bar Council/Bar Association.
- (b) Copies of Certificate of Identity of Practice/Card Issued by Bar Association/Membership Certificate of Bar Association/ Certificate of Practice.
- (c) Registration as Advocate on record (for aspirants of empanelment for Supreme Court).
- (d) Copies of letters / testimonials / Certificate showing empanelment with other academic institute/ Hospital/ PSUs/Companies.
- (e) Certificate in support of academic and professional educational qualifications.
- (f) All India Bar Exam Certificate, if applicable.
- (g) Income Tax Return of the preceding 3 financial years.
- (h) Copies of judgments.
- (i) Declaration that the Advocate is fluent in Computers and has the necessary expertise and infrastructure for occasioning online/virtual meetings and hearing.