



अखिल भारतीय आयुर्विज्ञान संस्थान, गोरखपुर

ALL INDIA INSTITUTE OF MEDICAL SCIENCES, GORAKHPUR

कुनराघाट, गोरखपुर, उत्तर प्रदेश— 273008

Kunraghat, Gorakhpur, Uttar Pradesh 273008

(स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार द्वारा स्थापित एक स्वायत्त निकाय)

(An autonomous organization under the Ministry of Health & Family Welfare, Govt. of India)

No: AIIMS/GKP/Admn/2023-24/1951

Dated: 02.11.2023

NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF ADVOCATES FOR VARIOUS TRIBUNALS, COURTS ETC FOR BLOCK YEAR 2023-26

1. All Institute of Medical Science, Gorakhpur, an autonomous body of the Ministry of Health and Family welfare, Government of India proposes to engage Panel Counsel(s) for Block Year 2023-26, to represent the AIIMS Gorakhpur, before various tribunals and courts of India which include but not limited to New Delhi, CAT Lucknow, Supreme Court, High Court Prayagraj, Tribunals and Commissions as per requirement.
2. The practicing Advocates who are registered with Bar Council of India/State Bar Council are eligible for empanelment. The Qualification, Experiences, Schedule of professional Fees, other terms and condition and the application format in which the application has to be made is available on the AIIMS, Gorakhpur website i.e. <https://aiimsgorakhpur.edu.in>.
3. The Advocates who are willing to apply for panel Advocate of AIIMS, Gorakhpur shall send the application form duly filled as per the required format within 15 days from the date of advertisement i.e., up to **17.11.2023**. The signed original application enclosed along with self-attested documents for empanelment by all the applicants shall be sent on the below address:

**AIIMS Gorakhpur,
Kunraghat, Gorakhpur, Uttar Pradesh
Pin Code- 273008**

The envelope should be superscribed as following:

"Application for Empanelment of Advocate at AIIMS, Gorakhpur"

2. The guidelines regarding qualification, experience, schedule of fees. other terms & conditions, Application Forms (**Annex 'A'**) are available along with this advt. at AIIMS, Gorakhpur Website **aiimsgorakhpur.edu.in**
3. The last date of receiving Application s in the prescribed format along with supporting document s is **17.11.2023** till 16.00 hours. The scanned copy of application along with Annexures may be sent to E-mail at **aiimsgorakhpur.edu.in** followed by postal submission.
- 4 Application for empanelment at AIIMS, Gorakhpur does not confer any right/assurance whatsoever to an applicant that he/she will be empanelled on the panel or AIIMS, Gorakhpur. the list of selected advocates will be made available on AIIMS, Gorakhpur website **aiimsgorakhpur.edu.in**. Letters to advocates confirming their empanelment will be issued by AIIMS, Gorakhpur separately.



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Application format for empanelment of advocates (Annexure A)

Application No _____ (To be filed by AIIMS Gorakhpur)

APPLICATION FORM FOR EMPANELMENT OF ADVOCATES IN AIIMS, Gorakhpur

To,
AIIMS Gorakhpur,
Kunraghat , Gorakhpur ,Uttar Pradesh
Pin Code- 273008

PERSONAL DETAILS (In Block Letters)		
1.	Name in FULL (in block letters)	
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	
8.	Permanent Address with PIN and Phone	
9.	Address of office/chamber, if any, with PIN and Phone	
10.	a. Enrolment number (please attach a copy)	
	b. Advocate-on-Record Registration Number and date of registration (please attach a copy)	
11.	Mobile Number (s)	
12.	Email ID:	
13.	Are you related to any AIIMS, Gorakhpur employee? If so, please give details (Viz. Name,	
	Designation, place of work & relationship with the	

14. Details of Educational qualification (Commencing with the matriculation or equivalent examination)

Examinations Passed	Name of Board/University	Name of institution	Class or division	% of Marks	Subjects	Year of passing
10th /Matriculation						
12th / Intermediate						
Graduation						
LLB/Law Graduate Degree						
Post-						
Other Professional Qualifications						

15. 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.		
3.		
4.		

16. 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.		

17. If one or more advocates are associated as juniors of the applicant, their details be provided below: -

SI. No.	Name of the advocate	Enrolment no. with date

18. **Infrastructural facilities available with the applicant (please tick if available be provide below:**

SI. No.	Office space	Office clerk	Steno/typist	Support staff

19. **Number of Cases handled at various judicial forums (last five years)**

Name of the Court	Year	Number of cases won	Number of cases lost	Number of remanded back cases	No. of pending cases
Supreme Court					
High Court					
Central Administrative Tribunal					
Others (please specify)					

20. 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/Brief

21. Details of Bank Account, PAN be provided below: -

Bank Account Details (Bank, Account Number, Address of the branch and IFSC code)	PAN Number	Aadhar Number

22. Annual Income for the last two years.

S.No.	Financial year	Annual Income
1		
2		

23. 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	Finding made by the Disciplinary Committee.

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

Sl. No.	Details of allegations and Proceedings	Finding made by the Court

25. 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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26. DOCUMENTS TO BE ENCLOSED:

- a. **Copy of Law Degree and other qualifications;**
- b. **Copy of Registration Certificate Issued by the Bar Council;**
- c. **Copy of Identity Card issued by the Bar Association;**
- d. **Copy of ID Proof;**
- e. **Copy of Advocates on Record registration;**
- f. **Copies of 10 judgments where the Advocate has appeared as pleader;**
- g. **Copies of Empanelment Letter issued by other Authorities/entities in favour of the Advocate;**
- h. **Resume' with a brief profile of experience, background, education, list of clients and nature of cases dealt with;**
- i. **Two recent coloured passport size photographs;**
- j. **Copy of Income Tax Returns for last two financial years.**

UNDERTAKING

1. I hereby confirm and declare that the information furnished in the will be treated as cancelled and matter will be referred to the appropriate authority.

- I also undertake to maintain absolute secrecy about the cases of the AIIMS Gorakhpur as required under the Act, Rules and Regulations thereunder.**
- I also undertake to abide by the terms and conditions of engagement.**
- I also undertake to return all case files and records to the AIIMS Gorakhpur as and when required by AIIMS Gorakhpur.**
- I agree with the Fee Schedule notified by AIIMS Gorakhpur.**

Signature of Advocate

Enrolment Number: _____

AoR Registration No. _____

Mobile Number: _____

Place: _____

Date :- _____



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GUIDELINES

EMPANELMENT OF ADVOCATES

AIIMS Gorakhpur defends its cases through its panel advocates. It is supremely important that the legal cases of AIIMS Gorakhpur are properly defended. In order to defend the cases properly, it is necessary to have good panel counsels, capable of presenting the cases in an effective manner before the various tribunals, commissions and courts.

The policy on empanelment of advocates to regulate the manner and procedure for empanelment is as described under;

1. GENERAL

- i. In order to effectively defend the cases before various legal foras, AIIMS Gorakhpur intends to form its own set of panels of advocates. The schedule of fees payable to them shall be prescribed by AIIMS Gorakhpur.
- ii. Empanelment will only confer a right to be considered for legal work, if any, and not bind AIIMS Gorakhpur to award or give work to any Advocate, so empanelled, at any point of time during the term of engagement.
- iii. The allocation of cases/legal work shall be at the sole discretion of officers so authorized by AIIMS Gorakhpur.
- iv. Upon termination or non-renewal of term of empanelment, as the case may be, the Advocate shall return the brief(s) allocated to the Advocate by AIIMS Gorakhpur along with all other documents/records connected thereto with no objection certificate, if so required. No Advocate shall have the right to represent AIIMS Gorakhpur or undertake any activity upon expiry or termination of the term of engagement.
- v. Cases involving similar issues/points of law or otherwise interlinked or clubbed may be entrusted to the same Advocate as far as possible, while care shall be taken to avoid concentration of cases in the hands of one Advocate/ a few advocates.
- vi. The empanelled Advocates shall not delegate cases and shall themselves deal with the same. They may have to coordinate and work with designated Senior Advocates, if any, engaged in the case as well as with the officers of AIIMS Gorakhpur, if required.

- vii. The empanelled Advocates shall not use AIIMS Gorakhpur's name, logo, symbol, etc. on their letterhead, signboard, nameplate, pamphlets, etc., such as 'Legal Advisor of AIIMS Gorakhpur', 'Advocate of AIIMS Gorakhpur', etc. No empanelled Advocate shall represent himself as the Standing Counsel of AIIMS Gorakhpur before any court or forum unless specified as such by AIIMS Gorakhpur.
- viii. The Advocate shall ensure efficient and effective professional services and bestow commensurate attention in relation to matters of AIIMS Gorakhpur and conduct himself at all times in accordance with the Advocates Act, 1961 and rules laid down by the Bar Council of India, including rules regarding code of conduct and ethics.
- ix. The Advocate, while pursuing any case on behalf of AIIMS Gorakhpur, shall not act without instructions of AIIMS Gorakhpur and inform AIIMS Gorakhpur about the proceedings of each hearing by reporting mail and furnish copy of orders of each date without which the AIIMS Gorakhpur may not settle bills of payment.
- x. The Advocate shall not seek any adjournment without any valid or cogent reasons. Under no circumstances, the matters entrusted by AIIMS Gorakhpur should go unattended before the Court, which shall be viewed as serious violation of conditions of empanelment and may entail taking back the brief or cancellation of such empanelment.
- xi. The performance of each empanelled Advocate shall be subject to periodical review in such form as may be prescribe in this behalf by the Competent Authority.
- xii. The empanelled Advocate shall maintain strict confidentiality of the cases or other matters handled on behalf of AIIMS Gorakhpur and shall not divulge any information to any third party or to the media. Any Advocate who is found to have violated the above condition shall be liable to have his empanelment cancelled immediately without further notice.
- xiii. Refusal of any empanelled Advocate to take up a matter on behalf of AIIMS Gorakhpur, without proper justification or grounds, shall entail cancellation/withdrawal of engagement.
- xiv. AIIMS Gorakhpur reserves the right to modify or relax the terms and conditions of engagement at any time and also the right to verify the information submitted by the Advocate/law. The Advocates shall in full accept the terms and conditions of the empanelment as determined by AIIMS Gorakhpur from time to time.

- xv. The Advocate should have an office at the place where empanelment is sought. The Advocate should have adequate infrastructure in terms of accessible office, chambers, library, manpower, etc. which shall be considered at all times.
- xvi. The Advocate should have excellent communication skills.
- xvii. The applications of Advocates should be shortlisted on such basis as may be decided by the AIIMS Gorakhpur. The shortlisted advocates may be called for further interaction before finalization of their empanelment. No TA/DA will be admissible for attending such interaction.
- xviii. AIIMS Gorakhpur reserves the right to accept or reject any application without assigning any reason or to postpone or cancel the entire process, if necessary.
- xix. If required and considered appropriate by the Competent Authority, Attorney General of India/Solicitor General of India/Additional Solicitor General/Advocate General/Designated Senior Advocates may be engaged to argue the cases on behalf of AIIMS Gorakhpur keeping in view the importance of the matter. The Competent Authority in these cases shall be the Executive Director, AIIMS- Gorakhpur or any officer so authorized by Executive Director, AIIMS- Gorakhpur.
- xx. An advocate can be engaged from outside the panel of the AIIMS Gorakhpur, against a fee which is higher than that prescribed by AIIMS Gorakhpur”, if his/her engagement for litigation is considered desirable to protect or promote the best interest of AIIMS Gorakhpur. Such an advocate can be engaged only after recording the reason for his/her engagement and after securing the permission of the Executive Director, AIIMS- Gorakhpur at least two weeks before the date of hearing.

2. ELIGIBILITY CRITERIA FOR EMPANELMENT

- i. Law firms through its authorised eligible advocate can also apply for empanelment. The firm shall ensure that there is no conflict of interest in matters they are contesting for AIIMS Gorakhpur.
- ii. The Advocate should have a Bachelor Degree in Law from a recognized university.
- iii. The Advocate should be enrolled/ registered as an advocate with a Bar Council.
- iv. For Supreme Court, the Advocate should be registered as an Advocates-on Record.
- v. The Advocates are required to have the minimum professional/court practice experience of minimum 7 years for High Courts and other Courts in the State. For Supreme Court & CAT a minimum of 10 years’ experience shall be required.

- vi. However, the AIIMS, Gorakhpur may relax the experience or prescribe any other additional qualification or condition as deem fit.

3. TENURE OF PANEL

In the interest of continuity and stability, ordinarily the panel shall be constituted for a period of 3 years. However, for the reasons to be recorded in writing the panel can be discontinued before expiry of the term.

4. SIZE OF PANEL

- i. In order to effectively and closely monitor the advocates, there is a need to fix the limit on the size of the panel. Further, there is also a need for fixing the limit of cases per advocate so that all the advocates get proportionate work. However, for the best performing advocates, relaxation can be made by the Executive Director, AIIMS-Gorakhpur.

5. PAYMENT OF FEE AND OTHER CONDITIONS

- i. The fee payable to the Advocates shall be such as prescribed by AIIMS Gorakhpur, from time to time.
- ii. AIIMS Gorakhpur shall have the right in exceptional cases to approve the payment of a higher fee than the fee mentioned in the Ministry of Law & Justice, Department of Legal Affairs, Judicial Section OM No.26(1)/2014/Judl. Dated 01.10.2015 (revised time to time) 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.**

6. GENERAL PROCEDURE FOR EMPANELMENT

- i. The applicant advocate must apply in such form/format as may be prescribed by AIIMS Gorakhpur. No other form/format will be entertained.
- ii. Depending upon the requirement and number of applications received, AIIMS Gorakhpur reserves the right to shortlist the candidates to be called for interaction and to be empanelled.
- iii. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for interaction and to be selected.
- iv. The decision of AIIMS Gorakhpur regarding short listing and selection of the candidates shall be final.
- v. Canvassing in any form shall be treated as disqualification. The candidature of such applicants shall be cancelled forthwith.
- vi. The date-time, venue and mode of interaction shall be communicated by E-mail or letter. SMS etc. may be used as additional form of communication.
- vii. The applicant advocate may be required to bring original documents at the time of interaction.

viii. The list of selected advocates will be made available in public domain by AIIMS Gorakhpur. The applicant advocates selected for empanelment may be issued electronic or written communication by AIIMS Gorakhpur separately.

7. DOCUMENTS TO BE SUBMITTED BY THE ADVOCATE

The Advocates will be required to furnish such documents along with the application as may be prescribed by the Competent Authority. Generally, such documents shall include

- a. Copy of Law Degree and other qualifications;
- b. Copy of Registration Certificate Issued by the Bar Council;
- c. Copy of Identity Card issued by the Bar Association;
- d. Copy of ID Proof;
- e. Copy of Advocates on Record registration;
- f. Copies of 10 judgments where the Advocate has appeared as pleader;
- g. Copies of Empanelment Letter issued by other Authorities/entities in favour of the Advocate;
- h. Resume' with a brief profile of experience, background, education, list of clients and nature of cases dealt with;
- i. Two recent coloured passport size photographs;
- j. Copy of Income Tax Returns for last two financial years.

8. DUTIES OF THE EMPANELLED ADVOCATES

- i. The Advocate shall not advise any party or accept any case against AIIMS Gorakhpur in which he/she appeared or is likely to be called upon to appear for or advise which is likely to affect or lead to litigation against AIIMS Gorakhpur.
- ii. Timely appearance of the Counsel to contest the cases for AIIMS Gorakhpur in the Court is a must. His/her absence in the Court, without any reasonable ground and notice in advance, will not be accepted.
- iii. AIIMS Gorakhpur sends the information to the panel advocates through e-mail 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 AIIMS Gorakhpur at the earliest.
- iv. AIIMS Gorakhpur is free to engage any advocate of its own choice and an empanelled Advocate shall make no claim that he/she alone would be entrusted with AIIMS Gorakhpur's legal matter (s).
- v. 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.

- vi. The advocates shall accept the terms and conditions of the empanelment as determined by AIIMS Gorakhpur from time to time.
- vii. 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 ground for removal of the name of the lawyer concerned from the panel.
- viii. 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 Health and Family Welfare.
- ix. If required, render all assistance to Special or Senior Counsel engaged in particular cases before the Supreme Court or any other judicial body. If required, the advocate may be assigned matters to defend interest of AIIMS- Gorakhpur before various legal forums within/out-side Delhi.
- x. Keep AIIMS Gorakhpur 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.
- xi. Furnish monthly statement about the cases represented by him/her before the Supreme Court and their outcomes.
- xii. When any case attended by him/her is decided against the Organization, 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 not later than 5 working days of the order (Kuchha Copy).
- xiii. 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 AIIMS Gorakhpur within three days (excluding the time taken by the Court in preparation of the copy) from the date of judgment.

9. RIGHT TO PRIVATE PRACTICE AND RESTRICTIONS

- i. An Advocate 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 Advocate of AIIMS Gorakhpur.
- ii. An Advocate shall not advise any party or accept any case against AIIMS Gorakhpur in which he has appeared or is likely to be called upon to appear or advice.

10. CANCELLATION OF EMAPANELMENT

Empanelment of an advocate shall be liable to be cancelled due to occurrence of any of the below mentioned reasons:

- 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 AIIMS Gorakhpur's instructions or going against specific instructions;
- iv. Threatening, intimidating or abusing any of the AIIMS Gorakhpur's employees, officers, or representatives;
- v. Passing on information relating to AIIMS Gorakhpur's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the AIIMS Gorakhpur's interests;
- vi. Giving false or misleading information to AIIMS Gorakhpur 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.
- ix. Poor performance of panel Advocate assessed by the monitoring committee.

Further, AIIMS Gorakhpur 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.

11. REMOVAL OF DIFFICULTY

In the matter of implementation of these guidelines if any doubt or difficulty arises or doubt regarding the interpretation of any clause of these guidelines arises, the decision of AIIMS Gorakhpur shall be final.

12. RELAXATION OF ANY TERMS AND CONDITIONS

Executive Director, AIIMS, Gorakhpur shall have the power to relax any terms and conditions prescribed in this chapter.
