

Empanelment of Legal Counsel(s) to represent the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST) before Kerala High Court, Ernakulam, Central Administrative Tribunal, Ernakulam and other Tribunals, District & Session Courts and other judicial bodies at Ernakulam

1. Empanelment of Legal Counsel(s)

Sree Chitra Tirunal Institute for Medical Sciences & Technology (SCTIMST), an Institution of National importance established by the Sree Chitra Tirunal Institute for Medical Sciences & Technology Act, 1980 (Central Act 52 of 1980) proposes to engage Legal Counsel(s) to represent the SCTIMST before Kerala High Court, Ernakulam, Central Administrative Tribunal, Ernakulam, other Tribunals, Districts & Session Courts and other judicial bodies at Ernakulam.

The interested Law Firms and practicing advocates with Bar Council of India/State Bar Council having adequate experience in dealing with the legal matters pertaining to academics/education/service matters/autonomous/statutory bodies 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 and are as given below.

Eligible Law firms and practicing advocates may send their applications addresses to the Director, **Sree Chitra Tirunal Institute of Medical Sciences & Technology, Medical College P.O., Thiruvananthapuram** in the format prescribed in Annexure "A" enclosed herewith along with all supporting documents.

The last date of receiving Applications in the prescribed format along with supporting documents is 28.04.2022.

Only those who are ready to accept the terms and conditions in the notice shall be considered for empanelment. Applications are required to mention Courts of jurisdiction wherein they want to represent SCTIMST.

Note: Applying for empanelment at SCTIMST does not confer any right /assurance whatsoever that they will be empanelled on the panel of SCTIMST. Letters to advocates confirming their empanelment will be issued by SCTIMST separately.

Terms and conditions for empanelment

2. Eligibility for empanelment

A. Standing Counsel

Have a minimum experience of **Ten years** as practicing advocate in handling Civil/Criminal/Service matter case. Preference will be given to the counsels who have dealt earlier with matters pertaining to academic institutions and statutory bodies.

B. Panel counsel

Have a minimum experience of **Seven years** as practicing advocate in handling civil, criminal, service matter cases. Preference will be given to the counsels who have dealt earlier with matters pertaining to academic institutions and statutory bodies.

The Advocates/Firms should be familiar with various branches of law especially those concerning laws of matters related to service matters, land disputes, constitutional /service law, contract law, property law and taxation, etc. Preference will be given to those practicing in the area of Central government service matters.

3. Tenure of Empanelment

The initial empanelment will be for two years or until further orders whichever is earlier. Performance of empanelled advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the advocate, the empanelment may be renewed for a period of another two (2) years by SCTIMST as per the terms & conditions in effect at the time of renewal. The SCTIMST reserves the right to terminate the empanelment of any advocate at any time without assigning any reason thereof.

4. Duties of the Counsel

The counsel shall perform the following duties

- i. Represent SCTIMST before Kerala High Court, Ernakulam, Central Administrative Tribunals, Ernakulam, other Tribunals, District & Session Courts and other judicial bodies, Forums and Commissions at Ernakulam
- ii. Provide legal advice to SCTIMST on civil, criminal, service and such other matters arising in due course of administration of the Institute as are referred to him/her including
 - a. Examination and drafting of legal documents
 - b. Drafting of applications, petitions etc. to be filed in various courts of law
 - c. Prompt removal/curing of defects in appeals/petitions files, as may be pointed out by the registry;
- iii. Apply for the copy of judgment from the court in cases attended by him/her and supply the copy of judicial pronouncement at the earliest but not later than 10 days from the date of order (excluding the time taken by the court in preparation of the copy)
- iv. If required, render all assistance to Special or Senior counsel engaged in a particular case before the Supreme Court /Kerala High court/Tribunals/Forums/Commissions;
- v. Keep SCITMST 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 judgment etc.
- vi. Furnish monthly statement about the cases represented by him/her before Kerala High Court / Tribunals/Forums/Commissions or any other court/authority and their outcomes.

- vii. Perform such other duties of legal nature which may be assigned to him/her by SCTIMST
- viii. When any case assigned to him/her is decided against the Institute, give considered opinion regarding the advisability of filing an appeal from a decision not later than 5 working days of the order.

5. General Instructions

1. The size of the panel and number of advocates in panel shall be determined by the Competent Authority based on the requirement and quantum of work. The volume of work shall be assessed on the basis of the pending cases in the preceding year and the fresh cases likely to be added in the succeeding years.
2. Cases involving similar issues/points of law or the otherwise interlinked or clubbed may be entrusted to the same Advocates as far as possible.
3. 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.
4. The advocate shall accept the terms and conditions of the empanelment as determined by SCTIMST from time to time
5. In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual advocates shall apply mutatis mutandis to them
6. The Advocate/Firm shall not advise any party or accept any case against SCTIMST 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 SCTIMST.
7. If the Advocate happens to be a partner of a firm of lawyers or solicitors, it shall be incumbent upon the firm not to take any case against SCTIMST in any Court of Law /Tribunal/Commission/Forum or any case arising out of those cases e.g. Appeals and revisions
8. In case where on the request of the Ministry of Science and Technology, interest of Union of India have also to be protected, no extra fees shall be paid to the advocate to watch and safeguard the interest of Union of India

6. Procedure for Empanelment

The competent authority will through a nominated committee consider the applications for empanelment in terms of these guidelines only on merits after due notice in this regard is published on the website of SCTIMST and Bar Council of Ernakulam.

7. Communication of Empanelment

After a decision to empanel the advocate is taken a communication in writing to this effect shall be sent to the shortlisted Advocate/Firms as per Annexure –B with acknowledgement and acceptance due. The process of empanelment shall be complete when SCTIMST receives an acceptance letter from the advocate.

7. Payment of fee and other conditions

1. The fee payable to the advocate shall be governed by the schedule of fee as annexed as Annexure –C with these guidelines as amended from time to time.
2. The competent authority shall have the right to fix the fee for eventualities which have not been mentioned in the schedule till appropriate amendment is made in this regard in the Fee schedule by the SCTIMST.
3. No retainer fee shall be paid to any panel advocate /law firm merely because such advocate /firm has been empanelled

8. Right to private practice

The Counsel will have the right to private practice, which should not however, interfere with the efficient discharge of work of SCTIMST but he/she shall not advise, hold briefs or appear against SCTIMST before any authority, tribunal or court of law.

If the counsel happens to be a partner in a firm of lawyers or solicitors, it will be incumbent on the firm, not to take up any case against SCTIMST in any court of law or any other case arising on other courts out of cases pertaining to SCTIMST e.g., appeals and revision in the High Court/ Supreme Court/Commissions /Forum /Tribunals

9. Termination of appointment /resignation

SCTIMST reserves the right to terminate the appointment /empanelment of a counsel with one month's notice in writing without assigning any reason. The counsel may also resign from the Institute Panel by serving one month's notice.

SCTIMST 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 SCTIMST's legal matter(s)

10. Disablements

Disablement on the part of the Advocate shall mean and include any of the following:

1. Giving false information in the application for empanelment
2. Handing over the brief or matter to another advocate without prior written permission of the SCTIMST
3. Failing to attend the hearing of the case without any sufficient reason and /or prior information
4. Not acting as per SCTIMST's instructions or going against specific instructions:
5. Not returning the brief when demanded or not allowing or evading to allow its inspection on demand
6. Misappropriation of the SCTIMST's funds or earmarkings, using the same towards his fee without SCTIMST's permission
7. Threatening, intimidating or abusing any of the SCTIMST's employees, officers or representatives

8. Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/appeal related to SCTIMST
9. Committing an act that tantamount to contempt of court of professional misconduct
10. Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council
11. Passing of information relating to SCITMST's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the SCTIMST's interests.
12. Giving false or misleading information to the SCTIMST relating to the proceedings of the case; and
13. Seeking frequent adjournments and /or not objecting the adjournment moved by the other party without sufficient reason.

Empanelment shall be liable to be cancelled due to occurring of any of the above disablements on the part of the Advocate.

11. Doubt/Ambiguity

If there arises any doubt/ambiguity with respect to the implementation/interpretation of any clause of these guidelines the same shall be placed before the Director, SCTIMST and his/her decision in this regard shall be final and binding.

12. Other powers

The Institute reserves the right to take away a case assigned to a particular advocate/firm and may assign it to some other advocate /firm from the panel or even outside the panel if it considers fit that the case is not properly represented or in case the advocate/firm expresses their inability to fight the case.

The Institute can even hire the services of any other advocate(s) apart from the panel of legal counsel(s) on higher payment as per the severity of the case, if it deems fit in order to protect the rights of the Institute in any case. The panel should give due respect to the decision of the Institute and they ought to provide their legal advice and support to that advocate in case the Institute asks them to assist that Advocate.

The Institute may also appoint any of the advocates from the panel or even outside the panel to receive the petitions/summons/notices/orders from a court on behalf of the Institute and take appropriate steps on the same in consultation with the Institute.

In every case, the decision of the Institute is final and binding upon each advocate/firm

Sd/-
DIRECTOR

ANNEXURE A

PROFORMA FOR APPLICATION FOR EMPANELMENT AS STANDING
COUNSEL/PANEL ADVOCATE OF SREE CHITRA TIRUNAL INSTITUTE FOR
MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST)

1	Name of the person	
2	PAN (Permanent Account Number)	
3	Father's/Husband's Name	
4	Date of Birth	
5	Residential Address	
6	Office Address	
7	Contact Details: (a) Landline number (b) Mobile No. (c) E-mail Address	
8	Enrollment Number and Date of Registration	
9	Name of Bar Council	
10	Place of Practice	
11	Field of Specialisation	
12	Educational Qualification (Commencing from Degree in Law)	
13	If partner/engaged in a firm/institution, name(s) of firm(s) and other partners	

Verification

I S/o / D/o Residing
at Hereby declare
that whatever has been stated in the above application is true to the best of knowledge and
belief.

Date:

Signature

Place:

To

Mr./Ms
....., Advocate

Dear Sir/Madam,

Subject: Empanelment as SCTIMST's Advocate

This is with reference to your application dated Wherein you have expressed interest for empanelment as an advocate with the SCTIMST. We are pleased to inform that your request has been considered favourably and you are advised to give your assent for empanelment on following terms and conditions (A copy of guidelines enclosed);

1. You will abide by SCTIMST's terms and conditions as enumerated in the Guidelines for such empanelment
2. Your fees would be strictly governed by SCTIMST fee schedule for panel Advocates as amended from time to time.
3. You will not accept any case against SCTIMST as detailed in Terms & Conditions of the guidelines
4. You will take necessary steps to protect the interest of SCTIMST in matters entrusted to you from time to time
5. Empanelment does not confer any right to claim that you alone should be entrusted with SCTIMST's work
6. You will personally deal with the case assigned to you in addition to coordinating and working with designated Senior Advocate, if any, engaged in some matter.
7. On satisfactory performance in any assigned matter, SCTIMST may at any time, at its discretion, withdraw from you such proceeding/matter/brief and may discontinue you as SCTIMST's advocate without paying any further fees.
8. You will keep SCTIMST informed about the developments in the matters entrusted to you
9. You will not use SCTIMST's name or symbol, logo in your letter heads, sign boards, name plates etc.
10. In case of any misconduct, the SCTISMT will take appropriate action against you which includes filing complaint with Bar Council and recovery of financial loss caused to the SCTIMST due to your misconduct.
11. In case of initiation of any disciplinary proceedings/criminal proceedings against you, SCTIMST may remove you from the panel even without waiting for the conclusion of such proceedings.

12. Your performance will be reviewed on yearly basis and if your services are not required/found up to the mark, SCTIMST may remove you from panel and the cases/matters entrusted to you will be taken back from you.
13. You are required to maintain absolute secrecy about the cases of the SCTIMST as required under the Act, relevant rules and regulations and you shall not divulge any details to an outsider or opponent as the case may be without written consent of SCTIMST.
14. You are requested to return the duly signed duplicate copy of this letter indicating your unconditional consent.

We look forward for better cooperation and hope for good relations with you.

Yours faithfully

(Authorised Signatory)

Schedule of Fees and Allowances

Fees for Standing Counsel and Panel Advocates in High Courts/Tribunals/Commissions on production of Bills /Receipts

Sl. No.	Item of Work	Rates
1.	Retainer Fee Only for Standing Counsel	Rs. 9000/-
2.	Fee for appearance in High Court	Rs. 4000/- per case per day (for effective hearing) Rs. 1000/- per case per day for non-effective hearing, subject to a maximum for 5 hearings
3.	Fee for appearance in Tribunals/Commissions	Rs. 3000/- per case per day (for effective hearing) Rs. 1000/- per case per day for non-effective hearing, subject to a maximum for 5 hearings
4.	Fee for appearance in District Courts /Subordinate Courts	Rs. 2500/- per case per day (for effective hearing) Rs. 1000/- per case per day for non-effective hearing, subject to a maximum for 5 hearings
5.	Fee for drafting Writ Petition/Transfer Petition /Counter Affidavit	Rs. 5000/-
6.	Fee for drafting Additional Affidavit/Miscellaneous Applications etc/	Rs. 4000/-
7.	Fee for Legal Opinion	Rs. 4000/-
8.	Fee for Filing appeals (revision/review on behalf of SCTIMST)	Rs. 6000/- per case
9.	Clerkage	10% (no clerkage will be paid on simple adjournment)
10.	Miscellaneous charges	As per actual (on production of Bills/Receipts)
11.	Similar/Identical cases	Wherein two or more cases involve substantially identical questions of law or facts and where the main difference is in the names, addresses of the parties concerned, amount of money involved etc. and/or where common or identical judgments are delivered, irrespective of the fact that all the cases are heard together or not, the Counsel/Advocate shall be paid the full amount in the main case and Rs. 250/- per case per effective hearing for each