

NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF ADVOCATES

Rehabilitation Plantations Limited, (RPL), a joint venture of Government of India and Government of Kerala under the administrative control of the Labour and Skills Department, Government of Kerala, proposes to engage Panel of Counsel(s) to represent RPL before the District Court and Subordinate Courts, Magistrate Court, ECC Court, MACT Courts.

The practicing advocates who are registered with Bar Council of India/State Bar Council 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.

Eligible practicing advocates, who satisfy the eligibility criteria and accept the terms and condition as at ANNEXURE — 'A', should download application (ANNEXURE — 'B') in the format prescribed in our website www.rplkerala.com.

Duly filled in application, along with all supporting documents should reach The Managing Director, Rehabilitation Plantations Limited, Punalur, Kollam-691 305 on or before 15/03/2021.

REHABILITATION PLANATIONS LIMITED, PUNALUR, KOLLAM-691 305

TERMS AND CONDITIONS FOR PANEL ADVOCATES

1. Terms for empanelment of Counsels:

The Counsels will be empanelled for conducting the cases in which RPL is a party. The cases will be assigned to them on a case to case basis as may be entrusted to them and the Counsel would be required to conduct the cases to its finality.

The Counsels would be on the panel ordinarily for a period of three years and continue with the cases allotted to them even beyond 3 years unless terminated before 3 years. They may be removed from the panel earlier than the time stipulated on immediate notice on either side without assigning any reason thereof.

2. Allocation of cases to the Counsels:

The cases will be allocated to the Counsels on the panel on a case to case basis.

3. Duties of the Counsels on the Panel:

- i) The counsel shall appear before the District and Subordinate Courts Magistrate Court, ECC Courts, MACT Courts.
- ii) Advise RPL on matters incidental to such litigation and when the case attended by him is decided against the RPL/Government and/or its officers, written Legal opinion regarding the advisability of filing an appeal from such a decision shall be given.
- iii) Render all assistance to the concerned officials of the Company if required to do so.
- iv) Keep this office informed the developments of the case from time to time, particularly with regard to drafting, filing of papers, dates of hearing of the cases, supply of copies of judgments etc.
- v) Perform such other duties of legal nature, which may be assigned to him by this office from time to time.

4. Right to private Practice and Restrictions:

- 1) A Counsel empanelled with the RPL will have the right to private Practice which should not, however, interfere with the efficient discharge of his duties as a Counsel for the RPL.
- 2) A counsel shall not advise any party or accept any case or brief against the RPL in which he has appeared/or likely to appear which is likely to affect or lead to litigation against the RPL.
- 3) If the counsel happens to be Partner of a firm of Lawyers of Solicitors, it will be incumbent on the firm not to take up any case against the RPL in any

courts or any case arising in other courts out of these cases i.e. appeals / revisions

5. Procedure for Empanelment

- 1) The applicant advocate must apply on the format prescribed by RPL only. No other format will be accepted.
- 2) Applications received after the last date prescribed in the notice shall not be entertained.
- 3) Depending upon the requirement and number of applications received, RPL reserves the right to shortlist the candidates to be called for Interview/Interaction for selection/empanelment.
- 4) Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for Interview/Interaction and to be selected.
- 5) The decision of the competent authority regarding short listing and selection of the candidates shall be final.
- 6) Canvassing in any form shall be treated as disqualification. The candidature of such applicants shall be rejected forthwith.
- 7) Shortlisted applicant advocates will be informed individually about the date, time and venue of interview
- 8) The applicant advocate shall bring original documents at the time of Interview/interaction.
- 9) Letter to applicant advocates confirming their empanelment will be issued by RPL separately.

6. General Conditions:

1. Applicant Advocates will not absent without prior approval of Competent Authority from appearance in court for any reason whatsoever.
2. Appeals, Revision or Petition arising from one common judgment or order will be together considered as one case if they are heard together.
3. Company Secretary/any other officer deputed by the Registered Office will liaise between the Counsel and the RPL in all the matters connected with the cases entrusted to the Counsels.
4. Counsel/Advocate will have to represent RPL in the District Court and Subordinate Courts, Magistrate Court, ECC Court, MACT Courts and should be well versed with the Contract Act, ECC Act, MACT Act as well as other related Acts and relevant rules and codes.
5. Counsel/Advocate should receive the notices meant for the RPL from various Courts and should be able to handle the cases and appear in such matters in the Courts and ensure that no Ex- parte order is passed against RPL.
6. Counsel/Advocate should be able to handle the cases, which are assigned to them, and appear in such assigned cases in the Courts and should prepare

Written Statement, Appeal Memo, Applications, affidavit etc and also provide legal opinion to RPL. Advocate will look after and advice the RPL on legal matters including Filing/Defending Suits, Petitions and Appeals that may be entrusted to him.

7. Counsel/Advocates should have minimum of 5 years regular practice and standing in the Bar and handled Contract law, ECC law, Labour Law related cases.

8. Advocate should not take up any case against RPL during the period of empanelment and shall not do things pre judicial to the interest of the Company.

9. Advocate empanelled will have to collect and produce the Certified Copy of Judgment, decree and other related orders pertaining to the cases dealt by them within the stipulated time along with legal opinion so as to enable RPL to proceed further.

10. Advocate entrusted with the cases, should immediately ensure that necessary action is taken for receipts of fine and such other cost of litigation as ordered by the court and is promptly credited to RPL.

11. Applicant Advocates have to adhere to the instructions/guidelines issued by RPL from time to time.

12. A report on progress of Suits/Cases entrusted to the Advocates will be sent to the Managing Director, Rehabilitation Plantations Limited, Punalur every month through e-mail or by post/hand.

13. Applicant Advocates will not be entitled to any travelling expenses or any miscellaneous allowance for visiting units or Courts.

14. Applicant Advocates should not use RPL name or Symbol in Letter Heads, Sign Boards, Name Plate etc.

15. It may be noted that Advocate empanelment does not amount to an appointment or right for an appointment to be made by the RPL. RPL is free to engage any advocate of its choice, and no right exists to claim that you should alone be entrusted with the RPL for a particular case.

16. When any case attended by the advocate is decided against the Company, the Advocate concerned must give considered opinion regarding the reasons for such adverse order and the advisability of filling an appeal from such a decision not later than 5 working days of the order. However, reason for success may also be forwarded along with final order.

17. The Advocate's opinion would be an input for decision making by the Company. Therefore, in case, Advocate's opinion turns out to be untrue and factually incorrect, causing loss to RPL, RPL may seek such clarifications as may be required to investigate the matter and fix the responsibility.

18. Please note that above empanelment with RPL is subject to further extension/renewal depending upon the Advocate's performance and service to the satisfaction of the Company.

19. Applicant Advocates or their spouse or juniors or partners in their firm should not represent the party in cases against RPL under any circumstances.

20. The advocates shall accept the terms and conditions of the empanelment as determined by the RPL from time to time.

21. The Managing Director, RPL will be the final authority to assign the cases in various courts to the empanelled advocates depending upon the requirement / nature of the cases.

22. The fee to counsel will be paid only on Receipt of Certified copy of Judgment, opinion and collection of amount from Court towards the Company if any and on presentation of a claim along with a Stamped Receipt.

23. Charges for cases withdrawn will paid as deemed appropriate by the Company.

Fee Structure is as under:

CONSOLIDATED FEES PER CASE INCLUDING MISCELLANEOUS APPLICATIONS

Sl. No.	Court	Fees
1.	District and Subordinate Courts	₹12,000
2.	ECC Court, Magistrate Court, MACT Court	₹10,000

1) 50% of the fee, if requested so by the advocate, shall be paid on the completion of pleadings and balance 50% shall be paid after finalization of the case and on submission of certified copy of the judgment along with his/her opinion in case the judgment goes against the Company either in full or part.

2) Miscellaneous Expenditure including Court Fees shall be paid on actual basis on the submission of bills along with the statements and/or Vouchers.

3) The empanelled Advocate shall be entitled to claim TA/DA as per admissible rate if the assigned case(s) involves journey outside headquarters.

4) Modification in Fee Structure shall be applicable as per discretion of RPL from time to time.

ANNEXURE- 'B'

APPLICATION FORM FOR EMPANELMENT IN RPL
(TO BE FILLED IN BY APPLICANT ADVOCATES)

To
The Managing Director,
Registered Office,
Rehabilitation Plantations Limited,
Punlaur-691 305,
Kollam.

Photo

Name (in block letters)	
Father's Name	
Court for which applied (Specify Court wise):	

CHECKLIST

List of documents attached (please mark tick)
Copy of all Certificates & mark - sheets (Graduation onwards):
Experience Certificates:
Duly filled Annexure B:
Others (Please specify):
1.
2.
3.

PERSONAL DETAILS (In Block Letters)

1.	Name in Full	
2.	Date of Birth	
3.	Nationality	
4.	Address for correspondence with PIN and Phone No	

5.	Permanent Address with PIN and Phone No.	
6.	Address of office/chamber, if any Phone	
7.	Mobile Number(s)	
8.	Email ID	
9.	Is any of your relative is an RPL employee? If so, please give details (viz. Name, designation, place of work & relationship with the applicant)	

10. Details of Educational qualification (Commencing with the Graduation or equivalent examination)

Examinations Passed	Name of the Board/University	Class or division	% of Marks	Subjects	Year of Passing
LLB/Law Graduation					
Post Graduation					
Other Professional Qualifications					

11. Whether the applicant is currently on the Panel of any other Government Department/PSU/Statutory Body/Autonomous Body etc. and if yes, the details (Self certified copy of the Office Order/letter of empanelment may be attached)

Name of the Department/PSU/Statutory Body/Autonomous Body	From	To

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

Sl. No.	Name of the advocates	Enrolment No. with date

13. Whether the applicant has been engaged (through Vakalatnama) as counsel in any landmark 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

14. Whether Income Tax return is being filed for last five years? Yes/No (If yes, please attach copies of ITRs)

15. Details of Bank Account/PAN Number

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

PAN number

16. Whether any proceeding has ever been commenced against the applicant advocate or is continuing before the disciplinary Committee of the Bar Council of alleged professional misconduct:

Sl. No.	Details of allegations and proceedings	Finding made by the disciplinary Committee

17. 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

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18. Any additional professional qualification(s), which will further the candidature, including membership of professional society, awards and honors etc. may be listed below, (Documentary proofs may be attached)

UNDERTAKING

1. I hereby confirm and declare that the information furnished in the application and in the attached certificate is true/correct and completes to the best of my knowledge and belief. I have not concealed any relevant information. I am fully aware that if any of the information furnished by me is found to be false/incorrect, my candidature for the empanelment will be treated as cancelled and matter will be referred to the appropriate authority.
2. I also undertake to maintain absolute secrecy about the cases of the RPL as required under the Act, Rules and Regulations there under.
3. I also undertake to return all case files and records to the RPL as and when required by RPL.
4. I agree with the fee schedule notified by RPL.

Place:
Date:

Signature of the Advocate :
Enrolment number :
Mobile number :