



कर्मचारी राज्य बीमा निगम  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
EMPLOYEES' STATE INSURANCE CORPORATION  
(Ministry of Labour & Employment, Govt. of India)



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**T-11/12/255/2022-Legal  
2026**

**Date: 05-06-**

## OFFICE MEMORANDUM

### **Subject: Instructions regarding fee payable to the Panel advocates.**

In view of queries being received from various field offices with respect to fee payable to panel advocates, the Competent authority has directed to circulate the following clarifications/Instructions for necessary compliance:

#### **1. Legal Opinion Charges.**

(a) Legal opinion sought in entrusted court matters may be treated as part of the case handling process and fee may be regulated under the relevant drafting/conference provisions, wherever applicable.

(b) In standalone matters requiring independent legal opinion, payment may be considered subject to approval of the competent authority and certification regarding necessity of such opinion.

(c) Field offices shall maintain proper record of approval, nature of opinion sought and outcome for audit purposes.

(d) Payment structure is mentioned in new revised payment OFFICE MEMORANDUM Dated:5 Feb 2026 mentioned in Table C-Point number (6).

#### **2. ERP System Constraint.**

(a) Till upgradation of ERP/legal module for component-wise fee calculation, field offices may process claims through interim manual calculation sheets duly certified by the controlling officer.

(b) Separate supporting statement indicating hearing-wise/drafting-wise calculations shall be attached with every bill.

### **3. Applicability in Part-Heard / Transitional Cases**

(a) Revised rates shall be applicable w.e.f. 01.04.2026.

(b) Hearings conducted prior to 01.04.2026 shall be regulated as per pre-revised rates.

(c) Hearings conducted on or after 01.04.2026 shall be regulated under revised fee structure.

(d) In consolidated bills involving both periods, separate calculation sheets shall be furnished indicating old and revised rates distinctly.

### **4. Connected / Batch Matters**

(a) Reduced fee for connected matters shall be applicable only where cases involve substantially identical facts/issues and are heard together. Main case will be paid as per new fee structure and rest will be paid as per mentioned in **Legal Framework Document ( LFD 8.4-X) -Page number 53.**

(b) Where separate pleadings, extensive preparation or independent arguments are required, competent authority may allow appropriate fee considering complexity and work involved.

(c) Field offices shall record brief justification while regulating fee in connected matters.

### **5. Effective and Non-effective Hearing Fee**

(a) Effective hearing shall ordinarily include hearings where substantive proceedings take place, such as final arguments, admission, evidence, interim relief, disposal, or detailed submissions before the Court/Tribunal.

(b) Non-effective hearing shall include adjournments, short dates, procedural listings, or matters where no substantial proceedings take place for reasons beyond counsel's control.

(c) Fee admissibility shall be regulated strictly in accordance with revised fee structure and actual nature of proceedings recorded in Court orders.

(d) In this regard, please refer to **LFD -(Page Number 93) General(1.a)**

### **6. Retainership - Applicability**

(a) Retainership fee shall be admissible only to categories of panel Standing counsel specifically covered under revised fee structure/engagement terms approved by competent

authority.

(b) Payment of retainerhip shall be subject to satisfactory performance and compliance with terms and conditions of empanelment.

(c) No separate retainerhip shall be admissible unless specifically approved under the applicable panel category.

## **7. Need for Consolidated Circular**

(a) A consolidated compilation/circular incorporating all relevant instructions, clarifications and court-wise applicability is under revision at Headquarters in the form of Legal Framework Document (LFD) and shall be available for all field offices as soon as it is complete.

(b) Till issuance of consolidated circular, these clarifications along with existing Office Memoranda/instructions shall be followed for processing advocate fee bills.

## **8. Standardized Court-wise Fee Table**

(a) The standardized court-wise fee table has already been circulated vide O.M. dated 25.03.26.

(b) Field offices shall ensure strict adherence to prescribed rates and maintain supporting documentation for audit verification.

## **9. Fee payable to ASG/Law officer appearing on behalf of Union of India/MoL&E.**

In this regard, it is clarified that ESIC makes payment only to counsels formally engaged by the Corporation through approved mechanism. Merely because ESIC is a party in litigation being conducted by Union of India does not automatically create financial liability upon ESIC for payment of professional fee to Law Officers/Counsel engaged by UOI/MoL&E unless such engagement has specifically been approved by ESIC by the competent authority following due procedure.

Further it is clarified that:

- a. all payments shall remain subject to delegated financial powers, budget availability and applicable audit/CVC guidelines;
- b. any deviation from prescribed rates/special fee shall require approval of competent authority with recorded reasons; and
- c. certification regarding actual appearance/work done by counsel shall invariably be obtained before processing

payment;

d. The OM No. J-12011/6/2025-Judicial/E.158060 dated 05.02.2026 (enclosed) is issued in partial modification of the existing instructions governing payment of fees to Panel Counsel. Accordingly, only those provisions and rates specifically revised herein shall stand modified to that extent. All other provisions of the earlier Circular(s)/Office Memorandum(s), including those relating to fee components not expressly revised under the aforementioned OM, shall continue to remain in force. Therefore, in respect of matters not specifically covered under the present circular, including admissibility of drafting fees and other unrevised fee components, the provisions of the earlier circular(s)/Office Memorandum(s) shall continue to be in force."

All Regional Offices/Sub-Regional Offices are requested to ensure uniform implementation of the revised fee structure in accordance with above clarifications.

This issues with the approval of Director General.

Yours Sincerely

Vijay Kumar  
Deputy Director (Legal)

To:

1. All ICs, MCs Hqrs., Zona! ICs and Zonal MCs, for kind information and necessary action.
2. Regional Directors/Deans/Medical Superintendents of all Regions and Colleges/Hospitals.
3. Guard file