

S.No. 4

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No.NR/HQ/Lit/DC/DLI Area/RA Panel/2011

Divisional Railway Manager, Northern Railway,
Delhi, Ambala, Firozpur, Moradabad & Lucknow.

Chief Claims Officer, Northern Railway,
NDCR Building, State Entry Road, New Delhi

Presenting Officer, Railway Claims Tribunal,
Delhi, Ghaziabad, Chandigarh & Lucknow

Northern Railway,
Hd. Qrs. Baroda House,
New Delhi

Dated: 25.10.2011

Subject: Guidelines for empanelment of Advocates on Railways panel for Subordinate Courts/Railway Claims Tribunals.

The broad guidelines as regards to formation of panel for subordinate courts are contained in Railway Board's letter NO. 84/LC/14/N/1 dated 05.11.1985 as per which the final authority for appointment of Advocates in subordinate courts is General Manager.

It has however been felt that in order to bring transparency in the formation of Railway Advocates Panel and to ensure smooth functioning detailed guidelines on this subject are needed.

The following guidelines shall henceforth be followed for empanelment of new advocates or for renewal of the tenure of the existing advocates on Railway's panel for subordinate courts/Railway Claims Tribunal:

1. General Principles:

- (i) These Panels will be drawn once in three year.
- (ii) No fresh appointment shall normally be made during the currency of the existing panel, except when a vacancy arises or in exceptional circumstances requiring an expert advocate of a particular field.
- (iii) The process for renewal of panel shall start at least 3 months before of the expiry of panel, however in case of delay in finalization of the panel the existing panel may be extended up to six months at one time with the approval of General Manager. Not more than two such extensions shall be allowed.
- (iv) The number of Advocates on a particular panel of subordinate court will depend upon the quantum of work available in that particular court. The number shall be fixed at the rate of one Advocate for ten number of cases or part thereof. In Railway Claims Tribunal where almost all the cases are of similar nature, the number of advocates to be empanelled shall be fixed at the rate of one Advocate for every 50 number of cases or part thereof. The total number of advocates required on a panel

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district wise /RCT wise shall be duly approved by SDGM before interaction meeting by Dy GM/Law.

- (v) The minimum number of Advocates in a court shall be three even if workload available is nil at the time of formation of panel.
- (vi) The Advocate shall be empanelled on one panel only. If he is already on any other panel of Northern Railway or of any other Railway his empanelment on the panel applied for shall be subject to his resignation from the existing panel.
- (vii) The advocates shall be selected for inclusion in panel on the basis of enquiries made and have the same cross-checked with:
 - a. District Judge or Senior most available Judge,
 - b. Central Government Counsel,
 - c. President Bar Association,
 - d. Other eminent counsel practicing in that court.

The recommendations shall be ensured by the candidates along with the application and shall be verified by the division/RCT concerned.

2. Receipt/collection of applications:

- (i) The applications from the aspirant Advocates for Subordinate courts shall be collected/received by the concerned Division whereas for Railway Claims Tribunal by the office of CCO and PO of the concerned RCT. Applications received in the office of Dy GM/law either directly or from any other source shall also be forwarded to the concerned Division or CCO/PO as the case may be. The Division or the CCO/PO as the case may be shall conduct enquiry in respect of the applications so received/collected and send report containing recommendations along with relevant required documents to Dy GM/Law.

3. Eligibility conditions :

- (i) Minimum Educational Qualification required shall be professional degree in law. The Advocates having higher qualification in legal field shall be given preference and weightage during the viva voce/interaction stage.
- (ii) Must have been enrolled as an advocate with any State Bar Council in India.
- (iii) Age at the time of empanelment-maximum 65 years.
- (iv) Experience-Minimum 7 years experience at Bar.

4. Expertise/Reputation/Infrastructure etc.:

- (i) Expertise-Advocates having expertise in litigation akin to that available on Railways shall be given preference.
- (ii) General reputation & Standing-Advocate should have good reputation and standing.
- (iii) Infrastructure- Advocate should have necessary infrastructure such as Chamber, Library and Phone etc.

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- (iv) Accessibility- The Advocate should be easily accessible, he should have residence/chamber in same city where court/RCT is located.
- (v) Attitude- Advocate should have a positive attitude towards Railways and its working.
- (vi) Existing Work Load-Though the Advocate should have good experience but he should not be too busy a person to spare time for Railways work.

5. Documents required:

Following documents shall be submitted by the Division/CCO/PO along with their recommendations:

- (i) Bio Data form in prescribed format duly filled in and signed by the Advocate.
- (ii) One passport size photograph of Advocate affixed on Bio-data.
- (iii) Matriculation Certificates in support of proof of age.
- (iv) Certificate in support of educational qualification.
- (v) Enrolment certificate issued by concerned Bar Council as well as proof of transfer of enrolment if applicable.
- (vi) Recommendation letter from the concerned Bar Association.
- (vii) Photocopy of Pan Card.
- (viii) Details of cases handled by Advocate in last one year.
- (ix) Performance report in case of existing Railway Advocates
- (x) Verification details for the parameters detailed in Para 4 above.

Note: where the documents are photocopies same should be self attested.

6. Additional Requirements In case of existing Advocates :

The renewal of the tenure of existing Advocate shall be considered keeping in view their performance inter alia based on following factors:

- (i) Number of Railway's cases handled, decided, won, lost during last three years. Eligibility for re-empanelment in RCT shall be minimum 30% winning percentage during the last three years and for subordinate courts criterion of minimum 50% winning percentage as envisaged in sub clause (viii) shall apply.
- (ii) Preparation and filing of pleadings in time.
- (iii) Co-ordination with Railway officials.
- (iv) Promptness and pro-activeness of the Advocate.
- (v) Knowledge of Railway laws/rules and application thereof.
- (vi) Supply of copy of order and along with opinion thereon promptly.
- (vii) Any other remarks
- (viii) Existing advocate having winning percentage less than 50% during the last 3 years shall not be considered for renewal. This condition shall not apply if the

advocate was allotted 10 or less than 10 cases during the last 3 years. Power to relax this condition in exceptional cases shall lie with the General Manager.

- (ix) In case of RCT's panel, PO/RCT shall prepare performance report of each advocate on every six months. The report duly approved by the CCO shall be put up for the perusal of SDGM through Dy GM/Law. Name of advocate whose performance found to be below standards shall be processed for de-panelment.

7. Procedure for Empanelment:

- (i) The concerned Division in whose jurisdiction the court for which panel is to be formed falls shall select the names of Advocates keeping in view the guidelines given herein and shall send its recommendations along with required documents to the office of DY GM/Law. The recommendations shall be duly approved by the ADRM of the division.
- (ii) In respect of the formation of panel for Railway Claims Tribunal the enquiries shall be conducted and recommendations along with required documents shall be sent by the office of CCO/NR and the Presenting Officer of concerned Railway Claims Tribunal. The recommendations shall be duly approved by CCO.
- (iii) The recommendations should among other things indicate the qualification, age, experience (performance in respect of existing Railway Advocates) and general reputation and standing of the Advocate.
- (iv) The recommendations/performance report should be clear and unambiguous. If the recommendations/performance report is vague, the Advocate concerned shall not be considered for empanelment/renewal.
- (v) The Division/CCO/PO as the case may be should forward their recommendations to Dy GM/Law who will scrutinize them and prepare a final eligibility list for conducting an interaction meeting with existing/aspiring advocates for empanelment.
- (vi) At the stations/courts where Railways litigation is minimal, i.e. less than 10 cases filed against Railways during last three years a team of three CLAs (two CLAs nominated by SDGM CLA & one beat CLA) shall hold the interaction meeting and put up report to Dy GM/Law.
- (vii) Canvassing in any form shall be treated as misconduct on the part of Advocate and shall render him disqualified for empanelment.
- (viii) Before submitting the proposal to GM, an interaction shall be held by Dy GM/Law with the existing and fresh candidates for empanelment to assess their overall suitability.
- (ix) The aspirant/existing Advocates shall have to attend interaction meeting at a specified place and time as decided by Dy GM/Law, at their own expenses. No railway passes shall be issued for attending interaction meeting.
- (x) Legal Officers of the Division (PO in case of RCT) shall be associated by Dy GM/Law during the interaction. Two senior CLA from Law Branch of HQ shall be nominated by the SDGM for participation in the interaction along with the beat CLA.
- (xi) These five officials shall assess the suitability of fresh advocates on following proforma vis-a-vis the recommendations of the Division/CCO/PO as elaborated below




Knowledge/ Ability (Max 10)	Personality (Max 10)	Presentation (Max 10)	Parameters as defined in Para 4 above (Max 10)	Weightage for higher qualification, if any (Max 10)	Total Marks (Max 50)
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- (xii) In case of existing advocates, above said five official shall asses the suitability of these advocates on following proforma vis-a-vis the recommendations of the Division/CCO/PO as elaborated above

Knowled ge/ Ability/ Personali ty/prese ntation (Max 10)	Parameter s as defined in Para 4 above (Max 10)	Presenc e before court (Max 10)	Filing of WS/Cou -nter in time (Max 10)	Return of judgment with legal opinion (Max 10)	Coordinati -on with railways (Max 10)	Winning %age in last 3 years (max 10)	Total Marks (Max 70)
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- (xiii) Dy GM/Law shall draw proceedings and final evaluation chart based on his assessment as well as assessment made by Legal Officer/P.O. & by SDGM nominated two CLAs & beat CLA for the approval of competent authority.
- (xiv) On approval, all the concerned advocates shall be advised to sign the terms & conditions within 15 days. Formalities as mentioned in para 1(vi) above shall also need to be fulfilled within 15 days.
8. In exceptional cases and exigencies of administrative requirements, these conditions may be relaxed in individual cases for empanelment of advocates with specific personal approval of General Manager only.

This issues with the approval of General Manager.


(Rakesh Tyagi)
Dy. General Manager/Law

Copy to:

- (1) Legal Advisor, Ministry of Railways (Railway Board), Rail Bhawan, New Delhi, for kind information please.
- (2) Chief Personnel Officer, Northern Railway Head Quarters, Baroda House, New Delhi, for kind information please.
- (3) S.D.G.M, Northern Railway HQ Baroda House New Delhi, for kind information please.