

By the Judgment of 8th December, 2015 No. 32-II/2015 the Constitutional Court gave appraisal of constitutionality of the provision of Item 5 of Section 1 of Article 23 of the Federal Law “On Municipal Service in the Russian Federation”.

The contested provision was the subject-matter of consideration insofar as it admitted the possibility of establishment by municipal bodies of the order of realization by persons having substituted posts of municipal service of the right to receive long service pension prescribed to them, which puts its receipt in dependence upon the place of residence on the territory of the Russian Federation chosen by these persons.

The Constitutional Court recognized the disputed norm as not contradicting the Constitution of the Russian Federation, so far as it contemplates no possibility to establish legal mechanism of realization by these persons of the right to receive long service pension prescribed to them, which engenders differentiation of legal status of persons having done municipal service in one and the same municipal entity exclusively depending on place of residence chosen by them within the bounds of the Russian Federation, which leads to their deprivation of the right to receive long service pension prescribed to them in case of their departure to a permanent place of residence beyond the bounds of a subject of the Russian Federation, on whose territory respective municipal entity is located.