

By the Judgment of 14th January, 2016 No. 1-II/2016 the Constitutional Court gave appraisal of constitutionality of Section 1 of Article 13 of the Law of the Russian Federation “On Pension Security of Persons Having Done Military Service, Service in Bodies of Internal Affairs, the State Anti-Fire Service, Bodies for Control of the Turnover of Drugs and Psychotropic Substances, Establishments and Bodies of the Criminal Executive System and Their Families”.

The contested provision was the subject-matter of consideration to the extent to which on its basis is decided the question of discontinuance of payment of a long service pension to a person dismissed from service in bodies of internal affairs for long service, giving the right to receive pension, in the event if after elimination by the pension body of an error in counting of the tenure of service (period of service) made during its prescription it is established that its duration does not reach the one necessary for emergence of the said right.

The contested norm has been recognized as conforming to the Constitution of the Russian Federation as fixing conditions of prescription of the long service pension to staff-members of bodies of internal affairs and thereby being a necessary element of the legal mechanism of realization of the right of the said persons to pension security with consideration of the character and duration of carrying out professional activity by them.

At the same time, the contested provision has been recognized as not conforming to the Constitution of the Russian Federation as contemplating unconditional discontinuance of payment to a person dismissed from service in bodies of internal affairs of long service pension, wrongly prescribed to him as a result of incorrect counting by a body authorized by the state of the tenure of service (period of service) necessary for emerging of the right to this pension, whereas the citizen himself, while acquiring the status of recipient of the long service pension, acted in good faith.

Until the necessary legislative amendments are made, courts of general jurisdiction, while assessing lawfulness of discontinuance of respective payments, must bear in mind duration of the period having passed from the moment of

prescription of the pension, duration of the period, insufficient for attainment of the period of service established by law, significance of the pension as a source of income for this person and other circumstances worth attention.