

By the Judgment of 1 March 2017 No. 3-II/2017 the Constitutional Court gave appraisal of constitutionality of Section 5 of Article 43 of the Federal Law “On Police”

The contested normative provision was the subject-matter of consideration insofar as on its basis, taking into account that by virtue of Section 2 of Article 56 of this Federal Law its effect extends to employees of bodies of internal affairs who are not staff-members of the police, the question is resolved of extraordinary allowance payment to a staff-member of bodies of internal affairs, who sustained maiming or other injury in connection with fulfilment of official duties, was recognised by a military medical commission as limitedly fit for service (category “C”) and dismissed from it under Item 8 of Section 2 of Article 82 of the Federal law “On Service in Bodies of Internal Affairs of the Russian Federation and Making Amendments to Individual Legislative Acts of the Russian Federation” on the basis of the military medical commission’s conclusion on limited fitness for service in bodies of internal affairs and on the impossibility to fulfil official duties of the post, when he cannot be moved to another post.

The Constitutional Court recognised the contested provision as not contradicting the Constitution of the Russian Federation, so far as it does not hinder payment of extraordinary allowance envisaged by it to the said staff-member, except for cases when dismissal was preceded by refusal of the staff-member to be moved to another post in bodies of internal affairs, suitable for him in terms of state of health.