

**By the Judgement of 26 February 2018 No. 10-II/2018 the Constitutional Court appraised constitutionality of Items 1 and 2 of Article 25 of the Federal Law “On Labour Pensions in the Russian Federation”, Articles 1102 and 1109 of the Civil Code of the Russian Federation.**

The contested provisions were the subject-matter of consideration insofar as on their basis is resolved the question of exaction from a citizen recognised as invalid of sums of disability pension and monthly monetary payment received by him, in the event when certificates drawn up on the outcome of medical and social examination and submitted in order to receive respective measures of social protection have been recognised as void due to procedural breaches during such examination.

The Constitutional Court has recognised the contested provisions as not contradicting the Constitution of the Russian Federation, since they may not serve as a ground for exaction from the citizen recognised as invalid of the said payments, in the event if the certificate submitted by him has been recognised as void due to purely formal (procedural) breaches during medical and social examination, given that such breaches did not affect (could not affect) the appraisal of restrictions of vital activity of the examined citizen and were not determined by his *mala fide* (unlawfulness).

The Constitutional Court has pointed out that courts, considering in every specific case the question of presence of grounds for exaction of monetary sums in connection with overdraft of the means of the Pension Fund of the Russian Federation caused by payment of disability pension fixed on the basis of the decision of a competent organisation, later recognised as void because of procedural breaches, are obliged, not confining themselves to establishment of formal conditions of exaction, examine actual circumstances of this case that testify to the presence or absence of signs of *mala fide* (unlawfulness) in actions of the person to whom pension was prescribed.